

BUSINESS MEETING

MEETING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

MAY 22, 2018

Printed for the use of the Committee on Environment and Public Works



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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

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MARY FRANCES REPKO, *Minority Staff Director*

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—Continued

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BUSINESS MEETING

TUESDAY, MAY 22, 2018

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Rounds, Ernst, Sullivan, Shelby, Cardin, Whitehouse, Merkley, Gillibrand, Booker, and Markey.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Good morning. I call this business meeting to order.

Today we are going to consider bipartisan water infrastructure and carbon capture innovation legislation, as well as one nomination, two bills to name Federal buildings, and three General Services Administration resolutions.

The first of these bills is S. 2602, the Utilizing Significant Emissions with Innovative Technologies, or the USE IT Act. This bill is called the USE IT Act because it encourages the commercial use of manmade carbon dioxide emissions. The bill supports innovative research and projects that capture carbon dioxide.

My home State of Wyoming is already a leader in supporting carbon utilization research. Just last week the Integrated Test Center outside Gillette opened its doors to support innovative research on how to use carbon dioxide.

In Congress, we need to support efforts like the Integrated Test Center so America can maintain its leadership in carbon capture and utilization and sequestration technologies. The USE IT Act does that.

The legislation also facilitates permitting for capture projects and carbon dioxide pipelines. Innovation is how America will be a leader in reducing emissions.

I introduced the USE IT Act with Committee members Whitehouse and Capito, as well as Senator Heitkamp. The bill is now also co-sponsored by Senator Duckworth. Together with Ranking Member Carper, we have introduced a manager's substitute amendment to make the bill stronger.

I encourage Committee members to support this important legislation, so I look forward to working with my colleagues to pass the legislation and get it to the President's desk.

[The text of S. 2602 follows:]

EDW18485

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2602

To support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BARRASSO (for himself, Mr. CAR-
PER, Mrs. CAPITO, Mr. WHITEHOUSE, and Ms.
DUCKWORTH)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Utilizing Significant
5 Emissions with Innovative Technologies Act” or the “USE
6 IT Act”.

1 **TITLE** **I—ENCOURAGING**
2 **PROJECTS TO REDUCE EMIS-**
3 **SIONS**

4 **SEC. 101. RESEARCH, INVESTIGATION, TRAINING, AND**
5 **OTHER ACTIVITIES.**

6 Section 103 of the Clean Air Act (42 U.S.C. 7403)
7 is amended—

8 (1) in subsection (c)(3), in the first sentence of
9 the matter preceding subparagraph (A), by striking
10 “percursors” and inserting “precursors”; and

11 (2) in subsection (g)—

12 (A) by redesignating paragraphs (1)
13 through (4) as subparagraphs (A) through (D),
14 respectively, and indenting appropriately;

15 (B) in the undesignated matter following
16 subparagraph (D) (as so redesignated)—

17 (i) in the second sentence, by striking
18 “The Administrator” and inserting the fol-
19 lowing:

20 “(5) COORDINATION AND AVOIDANCE OF DU-
21 PPLICATION.—The Administrator”; and

22 (ii) in the first sentence, by striking
23 “Nothing” and inserting the following:

24 “(4) EFFECT OF SUBSECTION.—Nothing”;

1 (C) in the matter preceding subparagraph
2 (A) (as so redesignated)—

3 (i) in the third sentence, by striking
4 “Such program” and inserting the fol-
5 lowing:

6 “(3) PROGRAM INCLUSIONS.—The program
7 under this subsection”;

8 (ii) in the second sentence—

9 (I) by inserting “States, institu-
10 tions of higher education,” after “sci-
11 entists,”; and

12 (II) by striking “Such strategies
13 and technologies shall be developed”
14 and inserting the following:

15 “(2) PARTICIPATION REQUIREMENT.—Such
16 strategies and technologies described in paragraph
17 (1) shall be developed”; and

18 (iii) in the first sentence, by striking
19 “In carrying out” and inserting the fol-
20 lowing:

21 “(1) IN GENERAL.—In carrying out”; and

22 (D) by adding at the end the following:

23 “(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

24 “(A) IN GENERAL.—In carrying out para-
25 graph (3)(A) with respect to carbon dioxide, the

4

1 Administrator shall carry out the activities de-
2 scribed in each of subparagraphs (B) and (C).

3 “(B) DIRECT AIR CAPTURE RESEARCH.—

4 “(i) DEFINITIONS.—In this subpara-
5 graph:

6 “(I) BOARD.—The term ‘Board’
7 means the Direct Air Capture Tech-
8 nology Advisory Board established by
9 clause (iii)(I).

10 “(II) DILUTE.—The term ‘dilute’
11 means a concentration of less than 1
12 percent by volume.

13 “(III) DIRECT AIR CAPTURE.—

14 “(aa) IN GENERAL.—The
15 term ‘direct air capture’, with re-
16 spect to a facility, technology, or
17 system, means that the facility,
18 technology, or system uses car-
19 bon capture equipment to cap-
20 ture carbon dioxide directly from
21 the air.

22 “(bb) EXCLUSION.—The
23 term ‘direct air capture’ does not
24 include any facility, technology,

1 or system that captures carbon
2 dioxide—

3 “(AA) that is delib-
4 erately released from a natu-
5 rally occurring subsurface
6 spring; or

7 “(BB) using natural
8 photosynthesis.

9 “(IV) INTELLECTUAL PROP-
10 ERTY.—The term ‘intellectual prop-
11 erty’ means—

12 “(aa) an invention that is
13 patentable under title 35, United
14 States Code; and

15 “(bb) any patent on an in-
16 vention described in item (aa).

17 “(ii) TECHNOLOGY PRIZES.—

18 “(I) IN GENERAL.—Not later
19 than 1 year after the date of enact-
20 ment of the USE IT Act, the Admin-
21 istrator, in consultation with the Sec-
22 retary of Energy, shall establish a
23 program to provide, and shall provide,
24 financial awards on a competitive
25 basis for direct air capture from

1 media in which the concentration of
2 carbon dioxide is dilute.

3 “(II) DUTIES.—In carrying out
4 this clause, the Administrator shall—

5 “(aa) subject to subclause
6 (III), develop specific require-
7 ments for—

8 “(AA) the competition
9 process; and

10 “(BB) monitoring and
11 verification procedures for
12 approved projects;

13 “(bb) offer financial awards
14 for a project designed—

15 “(AA) to capture more
16 than 10,000 tons of carbon
17 dioxide per year; and

18 “(BB) to be deployed
19 at a cost of less than \$200
20 per ton of carbon dioxide
21 captured; and

22 “(cc) to the maximum ex-
23 tent practicable, make financial
24 awards to geographically diverse
25 projects, including at least—

1 “(AA) 1 project in a
2 coastal State; and

3 “(BB) 1 project in a
4 rural State.

5 “(III) PUBLIC PARTICIPATION.—
6 In carrying out subclause (II)(aa), the
7 Administrator shall—

8 “(aa) provide notice of and,
9 for a period of not less than 60
10 days, an opportunity for public
11 comment on, any draft or pro-
12 posed version of the requirements
13 described in subclause (II)(aa);
14 and

15 “(bb) take into account pub-
16 lic comments received in devel-
17 oping the final version of those
18 requirements.

19 “(IV) PEER REVIEW.—No finan-
20 cial awards may be provided under
21 this clause until the proposal for
22 which the award is sought has been
23 peer reviewed in accordance with such
24 standards for peer review as are es-
25 tablished by the Administrator.

1 “(iii) DIRECT AIR CAPTURE TECH-
2 NOLOGY ADVISORY BOARD.—

3 “(I) ESTABLISHMENT.—There is
4 established an advisory board to be
5 known as the ‘Direct Air Capture
6 Technology Advisory Board’.

7 “(II) COMPOSITION.—The Board
8 shall be composed of 9 members ap-
9 pointed by the Administrator, who
10 shall provide expertise in—

11 “(aa) climate science;
12 “(bb) physics;
13 “(cc) chemistry;
14 “(dd) biology;
15 “(ee) engineering;
16 “(ff) economics;
17 “(gg) business management;
18 and

19 “(hh) such other disciplines
20 as the Administrator determines
21 to be necessary to achieve the
22 purposes of this subparagraph.

23 “(III) TERM; VACANCIES.—

1 “(aa) TERM.—A member of
2 the Board shall serve for a term
3 of 6 years.

4 “(bb) VACANCIES.—A va-
5 cancy on the Board—

6 “(AA) shall not affect
7 the powers of the Board;
8 and

9 “(BB) shall be filled in
10 the same manner as the
11 original appointment was
12 made.

13 “(IV) INITIAL MEETING.—Not
14 later than 30 days after the date on
15 which all members of the Board have
16 been appointed, the Board shall hold
17 the initial meeting of the Board.

18 “(V) MEETINGS.—The Board
19 shall meet at the call of the Chair-
20 person.

21 “(VI) QUORUM.—A majority of
22 the members of the Board shall con-
23 stitute a quorum, but a lesser number
24 of members may hold hearings.

1 “(VII) CHAIRPERSON AND VICE
2 CHAIRPERSON.—The Board shall se-
3 lect a Chairperson and Vice Chair-
4 person from among the members of
5 the Board.

6 “(VIII) COMPENSATION.—Each
7 member of the Board may be com-
8 pensated at not to exceed the daily
9 equivalent of the annual rate of basic
10 pay in effect for a position at level V
11 of the Executive Schedule under sec-
12 tion 5316 of title 5, United States
13 Code, for each day during which the
14 member is engaged in the actual per-
15 formance of the duties of the Board.

16 “(IX) DUTIES.—The Board shall
17 advise the Administrator on carrying
18 out the duties of the Administrator
19 under this subparagraph.

20 “(X) FACA.—The Federal Advi-
21 sory Committee Act (5 U.S.C. App.)
22 shall apply to the Board.

23 “(iv) INTELLECTUAL PROPERTY.—

24 “(I) IN GENERAL.—As a condi-
25 tion of receiving a financial award

1 under this subparagraph, an applicant
2 shall agree to vest the intellectual
3 property of the applicant derived from
4 the technology in 1 or more entities
5 that are incorporated in the United
6 States.

7 “(II) RESERVATION OF LI-
8 CENSE.—The United States—

9 “(aa) may reserve a non-
10 exclusive, nontransferable, irrev-
11 ocable, paid-up license, to have
12 practiced for or on behalf of the
13 United States, in connection with
14 any intellectual property de-
15 scribed in subclause (I); but

16 “(bb) shall not, in the exer-
17 cise of a license reserved under
18 item (aa), publicly disclose pro-
19 prietary information relating to
20 the license.

21 “(III) TRANSFER OF TITLE.—
22 Title to any intellectual property de-
23 scribed in subclause (I) shall not be
24 transferred or passed, except to an
25 entity that is incorporated in the

1 United States, until the expiration of
2 the first patent obtained in connection
3 with the intellectual property.

4 “(v) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appro-
6 priated to carry out this subparagraph
7 \$25,000,000, to remain available until ex-
8 pended.

9 “(vi) TERMINATION OF AUTHORITY.—
10 The Board and all authority provided
11 under this subparagraph shall terminate
12 on December 31, 2028.

13 “(C) CARBON DIOXIDE UTILIZATION RE-
14 SEARCH.—

15 “(i) DEFINITION OF CARBON DIOXIDE
16 UTILIZATION.—In this subparagraph, the
17 term ‘carbon dioxide utilization’ refers to
18 technologies or approaches that lead to the
19 use of carbon dioxide—

20 “(I) through the fixation of car-
21 bon dioxide through photosynthesis or
22 chemosynthesis, such as through the
23 growing of algae or bacteria;

24 “(II) through the chemical con-
25 version of carbon dioxide to a material

1 or chemical compound in which the
2 carbon dioxide is securely stored; or

3 “(III) through the use of carbon
4 dioxide for any other purpose for
5 which a commercial market exists, as
6 determined by the Administrator.

7 “(ii) PROGRAM.—The Administrator,
8 in consultation with the Secretary of En-
9 ergy, shall carry out a research and devel-
10 opment program for carbon dioxide utiliza-
11 tion to promote existing and new tech-
12 nologies that transform carbon dioxide
13 generated by industrial processes into a
14 product of commercial value, or as an
15 input to products of commercial value.

16 “(iii) TECHNICAL AND FINANCIAL AS-
17 SISTANCE.—Not later than 2 years after
18 the date of enactment of the USE IT Act,
19 in carrying out this subsection, the Admin-
20 istrator, in consultation with the Secretary
21 of Energy, shall support research and in-
22 frastructure activities relating to carbon
23 dioxide utilization by providing technical
24 assistance and financial assistance in ac-
25 cordance with clause (iv).

1 “(iv) ELIGIBILITY.—To be eligible to
2 receive technical assistance and financial
3 assistance under clause (iii), a carbon diox-
4 ide utilization project shall—

5 “(I) have access to an emissions
6 stream generated by a stationary
7 source within the United States that
8 is capable of supplying not less than
9 250 metric tons per day of carbon di-
10 oxide for research;

11 “(II) have access to adequate
12 space for a laboratory and equipment
13 for testing small-scale carbon dioxide
14 utilization technologies, with onsite
15 access to larger test bays for scale-up;
16 and

17 “(III) have existing partnerships
18 with institutions of higher education,
19 private companies, States, or other
20 government entities.

21 “(v) COORDINATION.—In supporting
22 carbon dioxide utilization projects under
23 this paragraph, the Administrator shall
24 consult with the Secretary of Energy, and,
25 as appropriate, with the head of any other

1 relevant Federal agency, States, the pri-
 2 vate sector, and institutions of higher edu-
 3 cation to develop methods and technologies
 4 to account for the carbon dioxide emissions
 5 avoided by the carbon dioxide utilization
 6 projects, including the consideration of
 7 lifecycle analysis developed pursuant to
 8 section 45Q(f)(5)(B) of the Internal Rev-
 9 enue Code of 1986.

10 “(vi) AUTHORIZATION OF APPROPRIA-
 11 TIONS.—There is authorized to be appro-
 12 priated to carry out this subparagraph
 13 \$50,000,000, to remain available until ex-
 14 pended.

15 “(D) DEEP SALINE FORMATION RE-
 16 PORT.—

17 “(i) DEFINITION OF DEEP SALINE
 18 FORMATION.—

19 “(I) IN GENERAL.—In this sub-
 20 paragraph, the term ‘deep saline for-
 21 mation’ means a formation of sub-
 22 surface geographically extensive sedi-
 23 mentary rock layers saturated with
 24 waters or brines that have a high total
 25 dissolved solids content and that are

1 below the depth where carbon dioxide
2 can exist in the formation as a super-
3 critical fluid.

4 “(II) CLARIFICATION.—In this
5 subparagraph, the term ‘deep saline
6 formation’ does not include oil and
7 gas reservoirs.

8 “(ii) REPORT.—In consultation with
9 the Secretary of Energy, and, as appro-
10 priate, with the head of any other relevant
11 Federal agency and relevant stakeholders,
12 not later than 1 year after the date of en-
13 actment of the USE IT Act, the Adminis-
14 trator shall prepare, submit to Congress,
15 and make publicly available a report that
16 includes—

17 “(I) a comprehensive identifica-
18 tion of potential risks and benefits to
19 project developers associated with in-
20 creased storage of carbon dioxide cap-
21 tured from stationary sources in deep
22 saline formations, using existing re-
23 search;

24 “(II) recommendations for man-
25 aging the potential risks identified

1 under subclause (I), including poten-
2 tial risks unique to public land; and
3 “(III) recommendations for Fed-
4 eral legislation or other policy changes
5 to mitigate any potential risks identi-
6 fied under subclause (I).

7 “(E) REPORT ON CARBON DIOXIDE NON-
8 REGULATORY STRATEGIES AND TECH-
9 NOLOGIES.—

10 “(i) IN GENERAL.—Not less fre-
11 quently than once every 2 years, the Ad-
12 ministrator shall submit to the Committee
13 on Environment and Public Works of the
14 Senate and the Committee on Energy and
15 Commerce of the House of Representatives
16 a report that describes—

17 “(I) the recipients of assistance
18 under subparagraphs (B) and (C);
19 and

20 “(II) a plan for supporting addi-
21 tional nonregulatory strategies and
22 technologies that could significantly
23 prevent carbon dioxide emissions or
24 reduce carbon dioxide levels in the air,

1 in conjunction with other Federal
2 agencies.

3 “(ii) INCLUSIONS.—The plan sub-
4 mitted under clause (i) shall include—

5 “(I) a methodology for evaluating
6 and ranking technologies based on the
7 ability of the technologies to cost ef-
8 fectively reduce carbon dioxide emis-
9 sions or carbon dioxide levels in the
10 air; and

11 “(II) a description of any nonair-
12 related environmental or energy con-
13 siderations regarding the tech-
14 nologies.”.

15 **TITLE II—IMPROVEMENT OF**
16 **PERMITTING PROCESS FOR**
17 **CARBON DIOXIDE CAPTURE**
18 **AND INFRASTRUCTURE**
19 **PROJECTS**

20 **SEC. 201. INCLUSION OF CARBON CAPTURE INFRASTRUC-**
21 **TURE PROJECTS.**

22 Section 41001(6) of the FAST Act (42 U.S.C.
23 4370m(6)) is amended—

24 (1) in subparagraph (A)—

1 (A) in the matter preceding clause (i), by
2 inserting “carbon capture,” before “renewable
3 or conventional”;

4 (B) in clause (i)(III), by striking “or” at
5 the end;

6 (C) by redesignating clause (ii) as clause
7 (iii); and

8 (D) by inserting after clause (i) the fol-
9 lowing:

10 “(ii) is covered by a programmatic
11 plan or environmental review developed for
12 the primary purpose of facilitating develop-
13 ment of carbon dioxide pipelines; or”; and
14 (2) by adding at the end the following:

15 “(C) ASSOCIATED DEFINITION.—For pur-
16 poses of subparagraph (A), the term ‘construc-
17 tion of infrastructure for carbon capture’ in-
18 cludes construction of any facility, technology,
19 or system that captures, utilizes, or sequesters
20 carbon dioxide emissions and carbon dioxide
21 pipelines.”.

1 **SEC. 202. DEVELOPMENT OF CARBON CAPTURE, UTILIZA-**
 2 **TION, AND SEQUESTRATION REPORT, PER-**
 3 **MITTING GUIDANCE, AND REGIONAL PERMIT-**
 4 **TING TASK FORCE.**

5 (a) DEFINITION OF EFFICIENT, ORDERLY, AND RE-
 6 SPONSIBLE.—In this section, the term “efficient, orderly,
 7 and responsible” means, with respect to development or
 8 the permitting process for carbon capture, utilization, and
 9 sequestration projects and carbon dioxide pipelines, a
 10 process that is completed in an expeditious manner while
 11 maintaining environmental, health, and safety protections.

12 (b) REPORT.—

13 (1) IN GENERAL.—Not later than 180 days
 14 after the date of enactment of this Act, the Chair of
 15 the Council on Environmental Quality (referred to in
 16 this section as the “Chair”), in consultation with the
 17 Administrator of the Environmental Protection
 18 Agency, the Secretary of Energy, the Secretary of
 19 the Interior, the Executive Director of the Federal
 20 Permitting Improvement Council, and the head of
 21 any other relevant Federal agency (as determined by
 22 the President), shall prepare a report that—

23 (A) compiles all existing relevant Federal
 24 permitting and review information and re-
 25 sources for project applicants, agencies, and
 26 other stakeholders interested in the deployment

1 of carbon capture, utilization, and sequestration
2 projects and carbon dioxide pipelines, includ-
3 ing—

4 (i) the appropriate points of inter-
5 action with Federal agencies;

6 (ii) clarification of the permitting re-
7 sponsibilities and authorities among Fed-
8 eral agencies; and

9 (iii) best practices and templates for
10 permitting;

11 (B) inventories current or emerging activi-
12 ties that transform captured carbon dioxide into
13 a product of commercial value, or as an input
14 to products of commercial value;

15 (C) identifies gaps in the current Federal
16 regulatory framework for the deployment of
17 carbon capture, utilization, and sequestration
18 projects and carbon dioxide pipelines;

19 (D) identifies Federal financing mecha-
20 nisms available to project developers, including
21 tax credits under section 45Q of the Internal
22 Revenue Code of 1986; and

23 (E) identifies any lifecycle analysis devel-
24 oped pursuant to section 45Q(f)(5)(B) of the
25 Internal Revenue Code of 1986.

1 (2) SUBMISSION; PUBLICATION.—The Chair
2 shall—

3 (A) submit the report under paragraph (1)
4 to the Committee on Environment and Public
5 Works of the Senate and the Committee on En-
6 ergy and Commerce of the House of Represent-
7 atives; and

8 (B) as soon as practicable, make the report
9 publicly available.

10 (c) GUIDANCE.—

11 (1) IN GENERAL.—After submission of the re-
12 port under subsection (b)(2), but not later than 1
13 year after the date of enactment of this Act, the
14 Chair shall submit guidance consistent with that re-
15 port to all relevant Federal agencies that—

16 (A) facilitates reviews associated with the
17 deployment of carbon capture, utilization, and
18 sequestration projects and carbon dioxide pipe-
19 lines; and

20 (B) supports the efficient, orderly, and re-
21 sponsible development of carbon capture, utili-
22 zation, and sequestration projects and carbon
23 dioxide pipelines.

24 (2) REQUIREMENTS.—

1 (A) IN GENERAL.—The guidance under
2 paragraph (1) shall address requirements
3 under—

4 (i) the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.);

6 (ii) the Federal Water Pollution Con-
7 trol Act (33 U.S.C. 1251 et seq.);

8 (iii) the Clean Air Act (42 U.S.C.
9 7401 et seq.);

10 (iv) the Safe Drinking Water Act (42
11 U.S.C. 300f et seq.);

12 (v) the Endangered Species Act of
13 1973 (16 U.S.C. 1531 et seq.);

14 (vi) division A of subtitle III of title
15 54, United States Code (formerly known
16 as the “National Historic Preservation
17 Act”);

18 (vii) the Migratory Bird Treaty Act
19 (16 U.S.C. 703 et seq.);

20 (viii) the Act of June 8, 1940 (16
21 U.S.C. 668 et seq.) (commonly known as
22 the “Bald and Golden Eagle Protection
23 Act”); and

24 (ix) any other Federal law that the
25 Chair determines to be appropriate.

1 (B) ENVIRONMENTAL REVIEWS.—The
 2 guidance under paragraph (1) shall include di-
 3 rection to States and other interested parties
 4 for the development of programmatic environ-
 5 mental reviews under the National Environ-
 6 mental Policy Act of 1969 (42 U.S.C. 4321 et
 7 seq.) for carbon capture, utilization, and se-
 8 questration projects and carbon dioxide pipe-
 9 lines.

10 (C) PUBLIC INVOLVEMENT.—The guidance
 11 under paragraph (1) shall be subject to the
 12 public notice, comment, and solicitation of in-
 13 formation procedures under section 1506.6 of
 14 title 40, Code of Federal Regulations (or a suc-
 15 cessor regulation).

16 (3) SUBMISSION; PUBLICATION.—The Chair
 17 shall—

18 (A) submit the guidance under paragraph
 19 (1) to the Committee on Environment and Pub-
 20 lic Works of the Senate and the Committee on
 21 Energy and Commerce of the House of Rep-
 22 resentatives; and

23 (B) as soon as practicable, make the guid-
 24 ance publicly available.

25 (4) EVALUATION.—The Chair shall—

1 (A) periodically evaluate the reports of the
 2 task forces under subsection (d)(5) and, as nec-
 3 essary, revise the guidance under paragraph
 4 (1); and

5 (B) each year, submit to the Committee on
 6 Environment and Public Works of the Senate,
 7 the Committee on Energy and Commerce of the
 8 House of Representatives, and relevant Federal
 9 agencies a report that describes any rec-
 10 ommendations for legislation, rules, revisions to
 11 rules, or other policies that would address the
 12 issues identified by the task forces under sub-
 13 section (d)(5).

14 (d) TASK FORCE.—

15 (1) ESTABLISHMENT.—Not later than 18
 16 months after the date of enactment of this Act, the
 17 Chair shall establish not less than 2 task forces,
 18 which shall each cover a different geographical area
 19 with differing demographic, land use, or geological
 20 issues—

21 (A) to identify permitting and other chal-
 22 lenges and successes that permitting authorities
 23 and project developers and operators face; and

24 (B) to improve the performance of the per-
 25 mitting process and regional coordination for

1 the purpose of promoting the efficient, orderly,
2 and responsible development of carbon capture,
3 utilization, and sequestration projects and car-
4 bon dioxide pipelines.

5 (2) MEMBERS AND SELECTION.—

6 (A) IN GENERAL.—The Chair shall—

7 (i) develop criteria for the selection of
8 members to each task force; and

9 (ii) select members for each task force
10 in accordance with clause (i) and subpara-
11 graph (B).

12 (B) MEMBERS.—Each task force—

13 (i) shall include not less than 1 rep-
14 resentative of each of—

15 (I) the Environmental Protection
16 Agency;

17 (II) the Department of Energy;

18 (III) the Department of the Inte-
19 rior;

20 (IV) any other Federal agency
21 the Chair determines to be appro-
22 priate;

23 (V) any State that requests par-
24 ticipation in the geographical area
25 covered by the task force;

1 (VI) developers or operators of
 2 carbon capture, utilization, and se-
 3 questration projects or carbon dioxide
 4 pipelines; and

5 (VII) nongovernmental member-
 6 ship organizations, the primary mis-
 7 sion of which concerns protection of
 8 the environment; and

9 (ii) at the request of a Tribal or local
 10 government, may include a representative
 11 of—

12 (I) not less than 1 local govern-
 13 ment in the geographical area covered
 14 by the task force; and

15 (II) not less than 1 Tribal gov-
 16 ernment in the geographical area cov-
 17 ered by the task force.

18 (3) MEETINGS.—

19 (A) IN GENERAL.—Each task force shall
 20 meet not less than twice each year.

21 (B) JOINT MEETING.—To the maximum
 22 extent practicable, the task forces shall meet
 23 collectively not less than once each year.

24 (4) DUTIES.—Each task force shall—

1 (A) inventory existing or potential Federal
2 and State approaches to facilitate reviews asso-
3 ciated with the deployment of carbon capture,
4 utilization, and sequestration projects and car-
5 bon dioxide pipelines, including best practices
6 that—

7 (i) avoid duplicative reviews;

8 (ii) engage stakeholders early in the
9 permitting process; and

10 (iii) make the permitting process effi-
11 cient, orderly, and responsible.

12 (B) develop common models for State-level
13 carbon dioxide pipeline regulation and oversight
14 guidelines that can be shared with States in the
15 geographical area covered by the task force;

16 (C) provide technical assistance to States
17 in the geographical area covered by the task
18 force in implementing regulatory requirements
19 and any models developed under subparagraph
20 (B);

21 (D) inventory current or emerging activi-
22 ties that transform captured carbon dioxide into
23 a product of commercial value, or as an input
24 to products of commercial value;

1 (E) identify gaps in the current Federal
2 and State regulatory framework and in existing
3 data for the deployment of carbon capture, uti-
4 lization, and sequestration projects and carbon
5 dioxide pipelines;

6 (F) identify Federal and State financing
7 mechanisms available to project developers, in-
8 cluding tax credits under section 45Q of the In-
9 ternal Revenue Code of 1986;

10 (G) identify any lifecycle analysis devel-
11 oped pursuant to section 45Q(f)(5)(B) of the
12 Internal Revenue Code of 1986; and

13 (H) develop recommendations for relevant
14 Federal agencies on how to develop and re-
15 search technologies that—

16 (i) can capture carbon dioxide; and

17 (ii) would be able to be deployed with-
18 in the region covered by the task force, in-
19 cluding any projects that have received
20 technical or financial assistance for re-
21 search under paragraph (6) of section
22 103(g) of the Clean Air Act (42 U.S.C.
23 7403(g)).

1 (5) REPORT.—Each year, each task force shall
2 prepare and submit to the Chair and to the other
3 task forces a report that includes—

4 (A) any recommendations for improve-
5 ments in efficient, orderly, and responsible
6 issuance or administration of Federal permits
7 and other Federal authorizations required
8 under a law described in subsection (c)(2)(A);
9 and

10 (B) any other nationally relevant informa-
11 tion that the task force has collected in carrying
12 out the duties under paragraph (4).

13 (6) EVALUATION.—Not later than December
14 31, 2023, the Chair shall—

15 (A) reevaluate the need for the task forces;
16 and

17 (B) submit to Congress a recommendation
18 as to whether the task forces should continue.

Senator BARRASSO. This morning we will also consider S. 2800, America's Water Infrastructure Act of 2018. This is bipartisan legislation I introduced along with Committee Ranking Member Carper, Transportation Infrastructure Subcommittee Chairman Inhofe, and Subcommittee Ranking Member Cardin. The bill is also co-sponsored by Committee members Capito, Van Hollen, Wicker, Boozman, Whitehouse, and Sullivan.

America's Water Infrastructure Act will grow the Nation's economy, will give State and local leaders increased input in water infrastructure projects, will cut bureaucratic red tape, and will make communities safer from dangerous floods and droughts. President Trump has called for a comprehensive infrastructure initiative. America's Water Infrastructure Act is a significant piece of that initiative.

Last week during our Committee hearing, R.D. James, Assistant Secretary of the Army for Civil Works, said the bill will fulfill key principles outlined by President Trump. These principles include rebuilding America's water infrastructure by cutting red tape, by approving projects in a timely and effective manner, by giving more local control, by increasing the focus on rural America, and by leveraging Federal dollars. More specifically, the bill gives State and local leaders a significantly increased role in prioritizing projects.

The legislation also reauthorizes the Water Infrastructure Flexibility Act, or WIFIA. This leverages billions of dollars in non-Federal investment for water infrastructure projects. The bill will grow America's economy and create jobs. It authorizes projects that will increase water storage, deepen nationally significant ports, address aging irrigation systems, and maintain the navigability of our inland waterways. It will also protect communities from dangerous floods.

Today we will vote on a bipartisan manager's substitute amendment to further improve the bill. I have worked closely with Ranking Member Carper to draft this amendment. It will help get water infrastructure projects started faster. The amendment will push the Corps to take just 2 years to complete its feasibility studies for potential projects. That is in line with goal President Trump has set. The bill allows the Corps to review, and if necessary, initiate new categorical exclusions so projects aren't unnecessarily delayed due to environmental red tape.

The amendment also includes language that helps smaller rural communities leverage WIFIA dollars so that they can complete needed infrastructure projects. The language is a modified version of Senator Boozman's SRF WIN bill, and I would like to thank him for all of his hard work on this important legislation.

Thank you, Senator Boozman.

The amendment also includes the Buy America language. After consulting with Senators Capito and Carper I have agreed to add this provision. As the bill proceeds through the legislative process, we are going to work to limit this provision's impact on small, disadvantaged, and rural communities.

I want to thank Ranking Member Carper and Senator Inhofe and Senator Cardin, all the members of the Committee, and their staffs

for their hard work on this bill. I urge all the members to support the important infrastructure legislation.
[The text of S. 2800 and the related report follow:]

MAZ18416

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2800

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BARRASSO (for himself, Mr. CAR-
PER, Mr. INTOFFE, and Mr. CARDIN) *Ms. Capito, Mr. Van Hollen,*
Viz: *Mr. Wicker, Mr. Boozman, Mr. Whitehouse*

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “America’s Water Infrastructure Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—GENERAL PROVISIONS

Sec. 1001. Corps budgeting.

- Sec. 1002. National Academy studies.
- Sec. 1003. GAO study on benefit-cost analysis reforms.
- Sec. 1004. Transparency and accountability in cost-sharing for water resources projects.
- Sec. 1005. Non-Federal sponsor reimbursements.
- Sec. 1006. Challenge cost-sharing program for the management of recreation facilities.
- Sec. 1007. Cost estimates.
- Sec. 1008. Retroactive changes to cost-sharing agreements.
- Sec. 1009. Project partnership agreements.
- Sec. 1010. Study and report on expediting certain waiver processes.
- Sec. 1011. Feasibility studies for mitigation of storm damage.
- Sec. 1012. Extended community assistance by the Corps of Engineers.
- Sec. 1013. Advanced funds for water resources development studies and projects.
- Sec. 1014. Implementation guidance.
- Sec. 1015. Implementation guidance for this Act.
- Sec. 1016. Easements for certain rural electric, telephone, and broadband service facilities.
- Sec. 1017. Corps capabilities.
- Sec. 1018. Project authorization funding lines.
- Sec. 1019. Consolidation of studies; report.
- Sec. 1020. Non-Federal study and construction of projects.
- Sec. 1021. Reports to Congress.
- Sec. 1022. Disposition studies.
- Sec. 1023. Natural infrastructure.
- Sec. 1024. Watercraft inspection stations.
- Sec. 1025. Reauthorization of non-Federal implementation pilot program.
- Sec. 1026. Project studies subject to independent peer review.
- Sec. 1027. Expedited consideration.
- Sec. 1028. WIFIA study.
- Sec. 1029. Enhanced development demonstration program.
- Sec. 1030. Duplication of efforts.
- Sec. 1031. Corps of Engineers Board of Appeals for certain water storage projects.
- Sec. 1032. Sense of Congress relating to local role in Corps projects.
- Sec. 1033. Sense of Congress relating to study of water resources development projects by non-Federal interests.
- Sec. 1034. Sense of Congress relating to project partnership agreements.
- Sec. 1035. Sense of Congress relating to encouraging resilient techniques and habitat connectivity in ecosystem restoration.
- Sec. 1036. Alterations to local flood control projects.
- Sec. 1037. Non-Federal construction.
- Sec. 1038. Contributed funds for non-Federal reservoir operations.
- Sec. 1039. Mitigation bank credit release schedules.
- Sec. 1040. Innovative materials report.
- Sec. 1041. Updates to benefit-cost analysis.
- Sec. 1042. Local government water management plans.
- Sec. 1043. Access to real estate data.
- Sec. 1044. Advanced funds for discrete segments.
- Sec. 1045. Inclusion of non-Federal interests in project consultations.
- Sec. 1046. Categorical exclusions.
- Sec. 1047. Geomatic data.
- Sec. 1048. Flexibility for projects.

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TITLE II—STUDIES, MODIFICATIONS, AND PROJECT
AUTHORIZATIONS

Subtitle A—Studies

- Sec. 2001. Authorization of proposed feasibility studies.
- Sec. 2002. Lower Missouri River Bank stabilization and navigation.

Subtitle B—Deauthorizations, Modifications, and Related Provisions

- Sec. 2101. Savannah Harbor expansion project.
- Sec. 2102. Deauthorization of Svensen Island.
- Sec. 2103. Whittier Narrows study.
- Sec. 2104. West Tennessee tributaries project, Tennessee.
- Sec. 2105. Bridgeport Harbor-Pequonnock River navigation project, Connecticut.
- Sec. 2106. Levees L-212 and L-231, Four River Basin, Ocklawaha River, Florida.
- Sec. 2107. Corps of Engineers bridge repair and divestiture program for New England evacuation routes.
- Sec. 2108. Boston Harbor reserved channel deauthorizations.
- Sec. 2109. Project deauthorization and study extensions.
- Sec. 2110. Deauthorization of inactive studies.
- Sec. 2111. Certain disposition studies.
- Sec. 2112. Locks and Dams 1 through 4, Kentucky River, Kentucky.
- Sec. 2113. Kissimmee River restoration.
- Sec. 2114. Norfolk Harbor and channel, Thimble Shoal widening, Virginia.

Subtitle C—Water Resources Infrastructure

- Sec. 2201. Project authorizations.
- Sec. 2202. McMicken Dam, Arizona, and Muddy River, Massachusetts.
- Sec. 2203. Environmental infrastructure projects.
- Sec. 2204. Conditional reauthorization of environmental projects.
- Sec. 2205. Sense of Congress relating to West Haven, Connecticut.
- Sec. 2206. Coastal Texas study.

Subtitle D—Expedited and Modified Studies and Projects

- Sec. 2301. Rahway River Basin flood risk management project.
- Sec. 2302. Hudson-Raritan Estuary Comprehensive Restoration Project.
- Sec. 2303. Certain projects in Rhode Island.
- Sec. 2304. Cedar River, Iowa.
- Sec. 2305. Plymouth Harbor, Massachusetts.
- Sec. 2306. Brandon Road study.
- Sec. 2307. Central Everglades Planning Project.
- Sec. 2308. Portsmouth Harbor and Pisentaqua River.
- Sec. 2309. Blain Road footbridge, Thompson, Connecticut.
- Sec. 2310. Table Rock Lake, Arkansas and Missouri.
- Sec. 2311. McCook Reservoir, Illinois.
- Sec. 2312. Baptiste Collette Bayou study, Louisiana.
- Sec. 2313. Morganza to the Gulf, Louisiana.
- Sec. 2314. Louisiana Coastal Area.
- Sec. 2315. Louisiana Coastal Area-Barataria Basin Barrier.
- Sec. 2316. West Shore Lake Pontchartrain, Louisiana.
- Sec. 2317. Southwest Coastal Louisiana.
- Sec. 2318. New York-New Jersey Harbor and Tributaries feasibility study.

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- Sec. 2319. Lower Brule shoreline stabilization project.
- Sec. 2320. Hampton Harbor, New Hampshire, navigation improvement project.
- Sec. 2321. New Jersey and Delaware Back Bays Coastal Storm Risk Management.
- Sec. 2322. Minnesota locks and dams divestment study.
- Sec. 2323. Houma Navigation Canal, Louisiana.

TITLE III—PRIMARY CORPS OF ENGINEERS ACTIVITIES

Subtitle A—Continuing Authorities Programs

- Sec. 3001. Corps of Engineers continuing authorities program.
- Sec. 3002. Sense of Congress relating to continuing authorities program.
- Sec. 3003. Report relating to availability of prioritized CAP projects.

Subtitle B—Navigation

PART I—INLAND WATERWAYS

- Sec. 3101. GAO study on navigation and ecosystem sustainability program.
- Sec. 3102. McClellan-Kerr Arkansas River Navigation System.

PART II—PORTS AND HARBORS

- Sec. 3111. Beach renourishment and shoreline protection demonstration program.
- Sec. 3112. Authorization of appropriations for purchase of mat sinking unit.
- Sec. 3113. Mat sinking unit.
- Sec. 3114. Sense of Congress relating to Kennebec River Federal navigation channel.
- Sec. 3115. Sense of Congress relating to Wilmington Harbor dredging.
- Sec. 3116. Port of Arlington.
- Sec. 3117. Pearl River Basin demonstration program.
- Sec. 3118. Expedited initiation.
- Sec. 3119. Beneficial use of dredged sediment.
- Sec. 3120. Rule for beach nourishment and shoreline protection projects.

PART III—MISCELLANEOUS PROVISIONS

- Sec. 3121. Report on debris removal.
- Sec. 3122. Cape Arundel Disposal Site, Maine.
- Sec. 3123. Delaware River navigation project.
- Sec. 3124. Sense of Congress relating to erosion on the banks of the Ohio River near Clarksville, Indiana.

Subtitle C—Locks, Dams, Levees, and Dikes

- Sec. 3201. Certain levee improvements.
- Sec. 3202. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 3203. Non-Federal dams.
- Sec. 3204. Reauthorization of National Dam Safety Program Act.
- Sec. 3205. Sense of Congress relating to implementation guidance for dam safety repair projects.
- Sec. 3206. Reauthorization of national levee safety program.
- Sec. 3207. Reauthorization of lock operations pilot program.
- Sec. 3208. Restricted areas at Corps of Engineers dams.
- Sec. 3209. Certain Bureau of Reclamation dikes.
- Sec. 3210. Rehabilitation of high-hazard potential dams.

5

Sec. 3211. Maintenance of high risk flood control projects.

Subtitle D—Water Supply

Sec. 3301. Authority to make entire active capacity of Fontenelle Reservoir available for use.

Sec. 3302. Pricing of water storage contracts.

Sec. 3303. Report on water supply contract, Wright Patman Lake, Texas.

Sec. 3304. Sense of Congress relating to Wright Patman Lake, Sulphur River Basin, Texas.

Sec. 3305. City reservoir expansion pilot program.

Sec. 3306. Sense of Congress relating to water-related infrastructure in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.

Sec. 3307. Groundwater and well water testing and treatment program.

Subtitle E—Sediment Management

Sec. 3401. Missouri River reservoir sediment management.

Sec. 3402. Reservoir sediment.

Sec. 3403. Regional sediment management.

Subtitle F—Flood Risk Management

Sec. 3501. Ice jam prevention and mitigation.

Sec. 3502. Upper Missouri River Basin flood and drought monitoring.

Sec. 3503. Policies that impact flood fight management projects within urban areas.

Sec. 3504. Missouri River and tributaries at Kansas Cities, Missouri and Kansas.

Sec. 3505. Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota.

Subtitle G—River Basins, Watersheds, and Coastal Areas

Sec. 3601. Long-term flood risk reduction, Upper Missouri River Basin, Snake River Basin, and Red River Basin.

Sec. 3602. Sense of Congress relating to provision of resources for emergency infrastructure repairs.

Sec. 3603. Sense of Congress on emergency management assistance.

Sec. 3604. Great Lakes Fish and Wildlife Restoration Act of 1990.

Sec. 3605. Great Lakes Restoration Initiative.

Sec. 3606. Great Lakes Coastal Resiliency study.

Sec. 3607. Special rule for beach nourishment.

Sec. 3608. Extension for certain coastal storm damage reduction programs.

Sec. 3609. Snake River Basin flood prevention action plan.

Sec. 3610. Authorization of appropriations for Columbia River Basin restoration.

Sec. 3611. Middle Rio Grande peak flow restoration.

Sec. 3612. North Atlantic Division report on hurricane barriers and harbors of refuge in New England.

Sec. 3613. Study on innovative ports for offshore wind development.

Subtitle H—Environmental Management

Sec. 3701. Reauthorization of Rio Grande environmental management program.

Sec. 3702. Amendments to Long Island Sound programs.

6

Sec. 3703. Sense of Congress relating to the Caño Martín Peña ecosystem restoration project.

Subtitle I—Tribal Programs

- Sec. 3801. Inflation adjustment of cost-sharing provisions for territories and Indian Tribes.
- Sec. 3802. Tribal Partnership Program.
- Sec. 3803. Blackfeet water rights settlement.
- Sec. 3804. Bonneville Dam, Oregon.
- Sec. 3805. John Day Dam, Oregon.
- Sec. 3806. Dalles Dam, Oregon.
- Sec. 3807. Indian irrigation fund reauthorization.
- Sec. 3808. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.
- Sec. 3809. Indian dam safety reauthorization.
- Sec. 3810. GAO report on Alaska Native village relocation efforts due to flooding and erosion threats.

TITLE IV—SENSE OF CONGRESS RELATING TO CERTAIN PROJECTS

Sec. 4001. Sense of Congress relating to certain projects.

TITLE V—EPA-RELATED PROVISIONS

- Sec. 5001. Stormwater infrastructure funding task force.
- Sec. 5002. Reauthorization of the Water Infrastructure Finance and Innovation Act.
- Sec. 5003. Indian reservation drinking water and wastewater pilot program.
- Sec. 5004. Technical assistance for treatment works.
- Sec. 5005. Clean, safe, reliable water infrastructure.
- Sec. 5006. Water infrastructure flexibility.
- Sec. 5007. Water Resources Research Act amendments.
- Sec. 5008. Study on intractable water systems.
- Sec. 5009. National onsite wastewater recycling.
- Sec. 5010. Water infrastructure and workforce investment.
- Sec. 5011. Sense of Congress relating to State revolving funds.
- Sec. 5012. GAO study on WIFIA projects in small communities, rural communities, disadvantaged communities, and Tribal communities.
- Sec. 5013. American iron and steel products.
- Sec. 5014. Sense of Congress relating to access to nonpotable water.
- Sec. 5015. Innovative financing for State loan funds.
- Sec. 5016. Water infrastructure resiliency and sustainability.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 1001. CORPS BUDGETING.**

3 (a) PURPOSES.—The purposes of this section are—

4 (1) to require the Corps of Engineers to provide
5 a budget on a 5-year basis, allowing for—

6 (A) districts of the Corps of Engineers to
7 manage projects and initiatives of regional,
8 Tribal, and local significance; and

9 (B) the headquarters office of the Corps of
10 Engineers to manage projects and initiatives of
11 national significance;

12 (2) to require the Secretary to allocate a budget
13 for each district of the Corps of Engineers and to
14 give responsibility to those districts to develop and
15 implement the district 5-year budget and work plan;
16 and

17 (3) to increase local and non-Federal partner
18 and stakeholder input in the process to improve
19 budgeting of activities by the Secretary.

20 (b) DEFINITIONS.—In this section:

21 (1) ASSISTANT SECRETARY.—The term “Assist-
22 ant Secretary” means the Assistant Secretary of the
23 Army for Civil Works.

24 (2) COM ACCOUNTS.—

1 (A) IN GENERAL.—The term “COM ac-
2 counts” means—

3 (i) the Civil Works Program Con-
4 struction appropriations account of the
5 Secretary; and

6 (ii) the Civil Works Program Oper-
7 ation and Maintenance appropriations ac-
8 count of the Secretary.

9 (B) INCLUSION.—The term “COM ac-
10 counts” includes the portions of the Civil Works
11 Program Mississippi River and Tributaries ap-
12 propriations account of the Secretary specifi-
13 cally relating to—

14 (i) construction; or

15 (ii) operations and maintenance.

16 (3) COST-SHARE PARTNER.—The term “cost-
17 share partner” means a non-Federal government
18 agency or other entity that is legally obligated—

19 (A) to participate in project plan develop-
20 ment; or

21 (B) to provide funds or in-kind support for
22 plan development or project implementation.

23 (4) DISTRICT 5-YEAR BUDGET AND WORK
24 PLAN.—The term “district 5-year budget and work

9

1 plan” means a report by an appropriate District En-
2 gineer under subsection (e) that—

3 (A) includes—

4 (i) the district work plan for the fiscal
5 year; and

6 (ii) the district budget proposal for
7 the 4-year period following the fiscal year
8 to fund increments of work within the ju-
9 risdiction of the district;

10 (B) is based on—

11 (i) an allocation provided for a fiscal
12 year; and

13 (ii) estimates based on the allocation
14 under clause (i), assuming an annual
15 growth rate of 2 percent; and

16 (C) contains—

17 (i) a list of projects and initiatives of
18 regional, Tribal, or local significance to be
19 carried out through the COM account;

20 (ii) a list of studies that the District
21 Engineer determines would potentially pro-
22 vide value to the United States to be car-
23 ried out through the Investigations ac-
24 count; and

10

1 (iii) a list of projects and initiatives of
2 national significance to be carried out
3 through the COM accounts, if the project
4 or initiative is selected to be carried out.

5 (5) GOVERNMENT AGENCIES.—The term “gov-
6 ernment agencies” means Federal and non-Federal
7 government agencies that can provide authority, ex-
8 pertise, or funding, in cases in which the Secretary
9 has limited authority or in which the government
10 agency can assist in developing a project alternative,
11 to collaborate on projects and plans relating to—

12 (A) flood damage reduction and risk man-
13 agement;

14 (B) reliable water supply;

15 (C) ecosystem restoration; and

16 (D) other business lines.

17 (6) HEADQUARTERS 5-YEAR BUDGET AND
18 WORK PLAN.—The term “headquarters 5-year budg-
19 et and work plan” means a report by the Chief of
20 Engineers under subsection (d) that—

21 (A) includes—

22 (i) the Corps of Engineers work plan
23 for the fiscal year; and

24 (ii) the Corps of Engineers budget
25 proposal for the 4-year period following the

1 fiscal year to fund increments of work to
2 be carried out that is considered to be of
3 regional, Tribal, or local significance; and
4 (B) is based on—

5 (i) an amount provided for the fiscal
6 year through an appropriations Act; and

7 (ii) estimates based on the amount
8 under clause (i), assuming an annual
9 growth rate of 2 percent.

10 (7) INTEGRATED WATER RESOURCE MANAGE-
11 MENT.—The term “integrated water resource man-
12 agement” means a holistic and mission-integrated
13 process that—

14 (A) focuses on water resources challenges
15 and opportunities; and

16 (B) promotes collaboration with cost-share
17 partners, relevant government agencies, and
18 stakeholders for coordinated development and
19 active management of water and related re-
20 sources—

21 (i) to align authorities and funding;

22 (ii) to provide opportunities for infor-
23 mation sharing; and

24 (iii) to support complementary and in-
25 tegrated solutions to problems across Fed-

12

1 eral and non-Federal boundaries to deliver
2 value to the United States based on re-
3 gional, Tribal, or local benefits.

4 (8) INVESTIGATIONS ACCOUNT.—

5 (A) IN GENERAL.—The term “Investiga-
6 tions account” means the Civil Works Program
7 Investigations appropriations account of the
8 Secretary.

9 (B) INCLUSION.—The term “Investigations
10 account” includes the portions of the Civil
11 Works Program Mississippi River and Tribu-
12 taries appropriations account of the Secretary
13 specifically relating to investigations.

14 (9) PROJECT.—The term “project” means any
15 project, program, or activity carried out by the
16 Corps of Engineers.

17 (10) PROJECT OR INITIATIVE OF NATIONAL
18 SIGNIFICANCE.—The term “project or initiative of
19 national significance” means a Corps of Engineers
20 activity that—

21 (A) provides value to the United States;
22 and

23 (B) satisfies the economic analysis or as-
24 sumption and other legal and policy require-
25 ments, including the benefit-cost ratio, for po-

13

1 tentia l inclusion in the budget transmitted
2 under section 1105(a) of title 31, United States
3 Code.

4 (11) PROJECT OR INITIATIVE OF REGIONAL,
5 TRIBAL, OR LOCAL SIGNIFICANCE.—The term
6 “project or initiative of regional, Tribal, or local sig-
7 nificance” means a Corps of Engineers activity
8 that—

9 (A) provides value to the United States;
10 but

11 (B) does not satisfy the requirements to be
12 considered a project or initiative of national sig-
13 nificance.

14 (12) VALUE TO THE UNITED STATES.—The
15 term “value to the United States”, with respect to
16 a project, for the United States, a region, an Indian
17 Tribe, or a locality, means—

18 (A) the enhancement or stabilization of the
19 regional, Tribal, or local economy;

20 (B) the restoration or protection of the re-
21 gional, Tribal, or local environment; or

22 (C) the provision of health, safety, and
23 general welfare to maintain or improve the
24 quality of life of the people of the United
25 States.

14

1 (13) WORK PLAN PROCESS.—The term “work
2 plan process” means the process used by the Sec-
3 retary and the Chief of Engineers on the date of en-
4 actment of this Act by which funds that are not allo-
5 cated to a specified project in an appropriations Act
6 (including the statement of managers for such an
7 Act) are subdivided into various categories within
8 the areas of—

9 (A) navigation;

10 (B) flood risk management; and

11 (C) other authorized project purposes.

12 (c) BUDGET RECOMMENDATIONS BY SECRETARY.—

13 (1) IN GENERAL.—Not less frequently than
14 once each fiscal year, the Secretary shall make rec-
15 ommendations to Congress on the date that the
16 budget is transmitted under section 1105(a) of title
17 31, United States Code, for the allocation and ap-
18 propriation of amounts for that fiscal year in each
19 of the major business lines for the Investigations ac-
20 count and the COM accounts for allocation to each
21 district of the Corps of Engineers, for use by—

22 (A) the District Engineer; and

23 (B) the civilian Deputy District Engineer
24 for Programs and Project Management.

15

1 (2) EFFECT OF SUBSECTION.—Except as spe-
2 cifically provided in this subsection, nothing in this
3 subsection affects any other appropriations account
4 of the Secretary, including—

5 (A) the Regulatory appropriations account;

6 (B) the Expenses appropriations account;

7 (C) the Formerly Utilized Sites Remedial
8 Action Program appropriations account;

9 (D) the Flood Control and Coastal Emer-
10 gencies appropriations account;

11 (E) the Office of the Assistant Secretary of
12 the Army for Civil Works appropriations ac-
13 count;

14 (F) the revolving fund established by sec-
15 tion 101 of the Civil Functions Appropriations
16 Act, 1954 (33 U.S.C. 576); and

17 (G) the automation development program
18 pursuant to House Report 103–135, accom-
19 panying the Energy and Water Development
20 Appropriations Act, 1996 (Public Law 104–46;
21 109 Stat. 402).

22 (d) HEADQUARTERS 5-YEAR BUDGET AND WORK
23 PLAN.—Not less frequently than once each fiscal year, on
24 the date that the budget is transmitted under section
25 1105(a) of title 31, United States Code, the Secretary

16

1 shall submit to Congress the headquarters 5-year budget
2 and work plan.

3 (e) DISTRICT 5-YEAR BUDGET AND WORK PLAN.—

4 (1) IN GENERAL.—Not less frequently than
5 once each fiscal year, on the date that the budget is
6 transmitted under section 1105(a) of title 31,
7 United States Code, each District Engineer and ci-
8 vilian Deputy District Engineer for Programs and
9 Project Management shall submit to Congress a dis-
10 trict 5-year budget and work plan.

11 (2) INCLUSION.—A district 5-year budget and
12 work plan under paragraph (1)—

13 (A) may include any project under the ju-
14 risdiction of the applicable District Engineer
15 that is not included in the budget transmitted
16 under section 1105(a) of title 31, United States
17 Code; and

18 (B) shall prioritize the projects based on
19 the value to the United States of each project.

20 (3) LEADERSHIP INPUT.—The headquarters of-
21 fice and Major Subordinate Command of the Corps
22 of Engineers shall provide appropriate quality assur-
23 ance guidance in the preparation of each district 5-
24 year budget and work plan.

1 (f) PUBLIC PARTICIPATION.—The Secretary shall
2 issue guidance that requires that for the development of,
3 or any proposed major substantive modification to, a dis-
4 trict 5-year budget and work plan, each District Engineer
5 for each district shall, not less frequently than annually—

6 (1) provide to cost-share partners, government
7 agencies, and stakeholders—

8 (A) notice and an opportunity for comment
9 for a period of not less than 30 days to submit
10 to the Secretary or to the District Engineer
11 comments, including through written submis-
12 sion of data, opinions, or arguments, with or
13 without an opportunity for oral presentation;

14 (B) written responses to comments re-
15 ceived under subparagraph (A); and

16 (C) a process through which cost-share
17 partners, government agencies, and stake-
18 holders may appeal decisions of the District En-
19 gineer regarding the contents of the district 5-
20 year budget and work plan under subsection

21 (e)(1) to the Major Subordinate Command with
22 jurisdiction over the District;

23 (2) publish the comments received under para-
24 graph (1)(A) on the internet website of the Corps of
25 Engineers;

1 (3) hold a public meeting to discuss each dis-
2 trict 5-year budget and work plan;

3 (4) provide to government agencies the oppor-
4 tunity to consult and collaborate with each district
5 and obtain feedback to incorporate into risk assess-
6 ments; and

7 (5) provide to cost-share partners the oppor-
8 tunity to collaborate—

9 (A) to support information sharing;

10 (B) to the maximum extent practicable, to
11 share in concept development and decision-mak-
12 ing to achieve complementary or integrated so-
13 lutions to problems; and

14 (C) to obtain feedback to incorporate into
15 risk assessments.

16 (g) CRITERIA FOR THE HEADQUARTERS AND DIS-
17 TRICT 5-YEAR BUDGET AND WORK PLANS.—

18 (1) INTEGRATED WATER RESOURCE MANAGE-
19 MENT.—In developing a headquarters 5-year budget
20 and work plan or district 5-year budget and work
21 plan, the Secretary or the District Engineer, as ap-
22 plicable, shall ensure that applicable projects are or
23 will be carried out in a sustainable manner that—

24 (A) is holistic and mission-integrated;

19

1 (B) focuses on water resource challenges
2 and opportunities;

3 (C) promotes collaboration with stake-
4 holders, government agencies, and cost-share
5 partners for coordinated development and active
6 management of water and related resources;

7 (D) maximizes the benefits resulting from
8 Corps of Engineers investment;

9 (E) aligns Corps of Engineers, government
10 agencies, and cost-share partners authorities
11 and funding to gain efficiencies and maximize
12 return on investment; and

13 (F) pursues integrated water resource
14 management.

15 (2) SYSTEM AND WATERSHED EVALUATION
16 AND PRIORITIZATION.—The Secretary shall issue
17 guidance to ensure, in the development of a head-
18 quarters 5-year budget and work plan or district 5-
19 year budget and work plan—

20 (A) the use of modeling and data to evalu-
21 ate the performance of project assets on a sys-
22 tem or watershed basis in yielding system-wide
23 or watershed-wide benefits; and

1 (B) the prioritization of activities and
2 management of infrastructure within each rel-
3 evant system or watershed.

4 (3) LIFECYCLE PORTFOLIO MANAGEMENT.—In
5 making a determination relating to investment at
6 any stage of a project, the Secretary shall issue
7 guidance to ensure that the principles of lifecycle
8 portfolio management are applied in the development
9 of headquarters 5-year budget and work plans and
10 district 5-year budget and work plans, including
11 by—

12 (A) managing the entire lifecycle of the
13 project, within a system or watershed context,
14 using data and objective criteria as the basis for
15 risk-informed investment decision-making to
16 provide—

17 (i) the desired outcomes of the
18 project; and

19 (ii) value to the United States; and

20 (B) managing the regional and national
21 portfolios of projects to make cost-effective and
22 sequenced investment decisions.

23 (4) FEDERAL CONSIDERATIONS.—In developing
24 and comparing project alternatives or making any
25 other determination for purposes of a headquarters

21

1 5-year budget and work plan or district 5-year budg-
2 et and work plan, the Secretary shall issue guidance
3 to ensure that each plan includes an evaluation of
4 the projected effects of each project or initiative of
5 national significance or project or initiative of re-
6 gional, Tribal, or local significance, or project alter-
7 native, if applicable, on—

8 (A) the nonmonetary physical, chemical,
9 and biological conditions of water and related
10 land resources in the United States, at the sys-
11 tem or watershed scale;

12 (B) the economic value of—

13 (i) water and related land resources in
14 the United States; and

15 (ii) the national output of goods and
16 services produced using those resources;

17 (C) the reduction of, and remaining, risks
18 to human life and safety, as measured—

19 (i) taking into consideration applicable
20 flood and coastal storm damage reduction
21 plans, and any other relevant plans; and

22 (ii) using—

23 (I) nonmonetary units; or

24 (II) qualitative descriptions;

1 (D) significant cultural, aesthetic, and sub-
2 watershed-scale ecological resources, as meas-
3 ured using—

4 (i) nonmonetary units; or

5 (ii) qualitative descriptions; and

6 (E) the effects described in subparagraphs
7 (A) through (D) with respect to—

8 (i) low-income communities;

9 (ii) rural communities; and

10 (iii) Tribal and other minority com-
11 munities.

12 (5) BUSINESS LINE CONSIDERATIONS.—The
13 Secretary shall issue guidance to ensure that head-
14 quarters 5-year budget and work plans and district
15 5-year budget and work plans analyze the accom-
16 plishments, projected challenges, and business pro-
17 grams funding and performance of each project or
18 initiative of national significance and project or ini-
19 tiative of regional, Tribal, or local significance, tak-
20 ing into consideration any relevant business lines of
21 the project or initiative.

22 (h) EFFECT ON EXISTING PROCESS.—The budget
23 planning processes required under subsections (d) and (e)
24 for each fiscal year shall supplant the work plan process
25 with respect to the applicable accounts—

1 (1) to increase transparency regarding planned
2 expenditures of the Corps of Engineers during the 4-
3 year period following that fiscal year;

4 (2) to maximize the return on Federal invest-
5 ment; and

6 (3) to ensure that the infrastructure of the
7 Corps of Engineers protects laborers and employees,
8 private investment, and production in the United
9 States.

10 (i) SAVINGS PROVISION.—Nothing in this section af-
11 fects or alters the benefit-cost analysis requirements with
12 respect to any project for ecosystem restoration.

13 **SEC. 1002. NATIONAL ACADEMY STUDIES.**

14 As soon as practicable after the date of enactment
15 of this Act, the Secretary shall enter into an agreement
16 with the National Academy of Sciences under which the
17 National Academy shall conduct studies regarding—

18 (1) the means by which the Corps of Engineers
19 can increase transparency in cooperating with—

20 (A) Congress;

21 (B) State and local units of government;

22 (C) local stakeholders; and

23 (D) other cost-share partners, government
24 agencies, and stakeholders;

1 (2) whether Congress should use a system-wide,
2 rather than project-based, authorization process for
3 water resources development projects; and

4 (3) whether the structure and organization of
5 the Corps of Engineers, as in effect on the date of
6 enactment of this Act—

7 (A) is the most effective structure and or-
8 ganization for continued operation; or

9 (B) should be modified to increase—

10 (i) efficiency;

11 (ii) coordination;

12 (iii) transparency; or

13 (iv) cost savings.

14 **SEC. 1003. GAO STUDY ON BENEFIT-COST ANALYSIS RE-**
15 **FORMS.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall—

19 (1) conduct a study on the benefit-cost proce-
20 dures of the Secretary and the Director of the Office
21 of Management and Budget (referred to in this sec-
22 tion as the “Director”), including—

23 (A) an examination of the benefits and
24 costs that the Secretary and the Director do
25 and do not include in the benefit-cost calcula-

25

1 tion, including, at a minimum, local and re-
2 gional economic benefits; and

3 (B) a review of the calculation (or lack of
4 a calculation) of navigation benefits used in a
5 calculation for a non-commercial harbor that is
6 used by a State maritime academy (as defined
7 in section 51102 of title 46, United States
8 Code) for military training purposes; and

9 (2) submit to Congress a report that—

10 (A) describes the results of the study
11 under paragraph (1); and

12 (B) includes recommendations for legisla-
13 tive or regulatory changes to improve the ben-
14 efit-cost analysis procedures of the Secretary
15 and the Director.

16 **SEC. 1004. TRANSPARENCY AND ACCOUNTABILITY IN COST-**
17 **SHARING FOR WATER RESOURCES**
18 **PROJECTS.**

19 (a) **DEFINITION OF BALANCE SHEET.**—In this sec-
20 tion, the term “balance sheet” means a document that de-
21 scribes—

22 (1) the funds contributed by each Federal and
23 non-Federal interest for a project; and

24 (2) the status of those funds.

1 (b) ESTABLISHMENT OF BALANCE SHEET.—Each
2 district of the Corps of Engineers shall—

3 (1) maintain a balance sheet for each project
4 carried out by the Secretary for which a non-Federal
5 cost-share is required; and

6 (2) on request of a non-Federal interest that
7 contributed funds for the project, provide to the non-
8 Federal interest a copy of the balance sheet.

9 (c) UNDER-BUDGET PROJECTS.—In the case of a
10 project carried out by the Secretary for which the project
11 is completed at a cost less than the estimated cost, the
12 Secretary shall transfer the excess funds back to the non-
13 Federal interest, in accordance with the cost-share re-
14 quirement applicable to the project.

15 (d) EXCESS FUNDS.—

16 (1) IN GENERAL.—In the case of a completed
17 project carried out by the Secretary for which funds
18 in excess of the funds needed to complete the project
19 have been contributed by a non-Federal interest, the
20 Secretary shall transfer the excess funds to a sepa-
21 rate account of the Secretary, in which the funds
22 shall remain available until the non-Federal interest
23 uses the funds in accordance with paragraph (2).

24 (2) USE IN FUTURE PROJECTS OR OPERATION
25 AND MAINTENANCE COSTS.—The non-Federal inter-

1 est may use funds in the account for the non-Fed-
2 eral interest under paragraph (1)—

3 (A) to pay the cost-share for other projects
4 carried out by the Secretary for which a non-
5 Federal cost-share is required; and

6 (B) to pay the costs of operation and
7 maintenance of a project of the non-Federal in-
8 terest for which a non-Federal cost-share is re-
9 quired.

10 **SEC. 1005. NON-FEDERAL SPONSOR REIMBURSEMENTS.**

11 (a) **DEFINITION OF UNREIMBURSED FUNDS.**—In
12 this section, the term “unreimbursed funds”, with respect
13 to a project carried out by the Secretary, means funds
14 spent by a non-Federal sponsor, including for in-kind serv-
15 ices, for the project that have not been reimbursed by the
16 Secretary under an existing agreement before the end of
17 the fiscal year following the fiscal year in which the funds
18 were spent.

19 (b) **APPLICATION OF UNREIMBURSED FUNDS.**—In
20 the case of a project carried out by the Secretary under
21 an existing agreement for which the non-Federal sponsor
22 has unreimbursed funds, on the request of the non-Fed-
23 eral sponsor, the Secretary shall—

24 (1) credit the unreimbursed funds to—

1 (A) the non-Federal operation and maintenance
 2 cost-share for that project; or

3 (B) the non-Federal cost-share requirement
 4 of that non-Federal sponsor for another
 5 project to be carried out by the Secretary; or

6 (2) reimburse the funds to the non-Federal
 7 sponsor.

8 **SEC. 1006. CHALLENGE COST-SHARING PROGRAM FOR THE**
 9 **MANAGEMENT OF RECREATION FACILITIES.**

10 Section 225(c) of the Water Resources Development
 11 Act of 1992 (33 U.S.C. 2328(c)) is amended—

12 (1) by striking “non-Federal public entity” each
 13 place it appears and inserting “non-Federal public
 14 or private entity”; and

15 (2) by adding at the end the following:

16 “(4) TREATMENT.—In carrying out this sub-
 17 section, the Secretary shall ensure that a private en-
 18 tity is subject to the same regulations and require-
 19 ments as a non-Federal public entity.”.

20 **SEC. 1007. COST ESTIMATES.**

21 Section 2008(c) of the Water Resources Development
 22 Act of 2007 (33 U.S.C. 2340(c)) is amended by striking
 23 “before, on, or after” and inserting “on or after”.

1 **SEC. 1008. RETROACTIVE CHANGES TO COST-SHARING**
2 **AGREEMENTS.**

3 Study costs incurred before the date of execution of
4 a feasibility cost-sharing agreement for a project to be car-
5 ried out under section 206 of the Water Resources Devel-
6 opment Act of 1996 (33 U.S.C. 2330) shall be Federal
7 costs, if—

8 (1) the study was initiated before October 1,
9 2006; and

10 (2) the feasibility cost-sharing agreement was
11 not executed before January 1, 2014.

12 **SEC. 1009. PROJECT PARTNERSHIP AGREEMENTS.**

13 (a) **DEFINITION OF PROJECT PARTNERSHIP AGREE-**
14 **MENT.**—In this section, the term “project partnership
15 agreement” means an agreement between the Secretary
16 and the non-Federal sponsor of a water resources project
17 that describes—

18 (1) the project; and

19 (2) the responsibilities of each of the Secretary
20 and the non-Federal sponsor with respect to cost-
21 sharing, execution of work, and other aspects of the
22 project.

23 (b) **IMPROVED COST DESCRIPTION.**—In any project
24 partnership agreement entered into after the date of en-
25 actment of this Act, the Secretary shall ensure that the
26 project partnership agreement includes clear and detailed

1 descriptions of operation and maintenance, repair, replace-
2 ment, and rehabilitation costs and the entity with respon-
3 sibility for those costs with respect to the project.

4 **SEC. 1010. STUDY AND REPORT ON EXPEDITING CERTAIN**
5 **WAIVER PROCESSES.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Secretary shall complete, and submit to
8 the Committee on Environment and Public Works of the
9 Senate and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report based
11 on the results of, a study on the best options available
12 to the Secretary to improve and expedite the waiver proc-
13 ess for the non-Federal cost-share under section 116 of
14 the Energy and Water Development and Related Agencies
15 Appropriations Act, 2010 (Public Law 111–85; 123 Stat.
16 2851).

17 **SEC. 1011. FEASIBILITY STUDIES FOR MITIGATION OF**
18 **STORM DAMAGE.**

19 Section 105(a)(1) of the Water Resources Develop-
20 ment Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

21 (1) in subparagraph (A), by striking “The Sec-
22 retary” and inserting “Except as provided in sub-
23 paragraph (F), the Secretary”; and

24 (2) by adding at the end the following:

31

1 “(F) COST-SHARE FOR CERTAIN MITIGA-
2 TION PROJECTS.—

3 “(i) IN GENERAL.—In the case of a
4 feasibility study described in clause (ii),
5 the Federal share of the cost of the study
6 shall be, as determined by the Secretary—

7 “(I) not less than 50 percent;
8 and

9 “(II) not more than 100 percent.

10 “(ii) FEASIBILITY STUDIES DE-
11 SCRIBED.—A feasibility study referred to
12 in clause (i) is a feasibility study for a
13 project for mitigation of damage to an area
14 affected by weather or other events for
15 which—

16 “(I) during the 8-year period
17 ending on the date of enactment of
18 the America’s Water Infrastructure
19 Act of 2018—

20 “(aa) the Secretary provided
21 emergency response under section
22 5 of the Act of August 18, 1941
23 (commonly known as the ‘Flood
24 Control Act of 1941’) (55 Stat.

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32

1 650, chapter 377; 33 U.S.C.

2 701n); or

3 “(bb) the area received dis-

4 aster assistance under the Robert

5 T. Stafford Disaster Relief and

6 Emergency Assistance Act (42

7 U.S.C. 5121 et seq.); and

8 “(II) there is a significant risk

9 for future similar events (as deter-

10 mined by the Secretary).”.

11 **SEC. 1012. EXTENDED COMMUNITY ASSISTANCE BY THE**
 12 **CORPS OF ENGINEERS.**

13 Section 5(a) of the Act of August 18, 1941 (com-
 14 monly known as the “Flood Control Act of 1941”) (55
 15 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), is amended—

16 (1) by redesignating paragraph (3) as para-
 17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
 19 lowing:

20 “(3) EXTENDED ASSISTANCE.—

21 “(A) IN GENERAL.—A State, Tribe, or
 22 other entity receiving assistance under the
 23 fourth sentence of paragraph (1) on land the
 24 ~~State~~, Tribe, or entity owns, has jurisdiction
 25 over, or otherwise controls, may petition the

33

1 Secretary for extended assistance, to apply after
2 the 30-day period of the project under section
3 203.61(b)(8) of title 33, Code of Federal Regu-
4 lations (or successor regulations).

5 “(B) ASSISTANCE.—On a petition under
6 subparagraph (A), the Secretary shall provide
7 extended assistance in accordance with this
8 paragraph.

9 “(C) COST-SHARING.—Except as provided
10 in subparagraph (D), extended assistance under
11 this paragraph shall be subject to a minimum
12 non-Federal cost-sharing requirement of 45
13 percent.

14 “(D) EXCEPTION.—The Secretary—

15 “(i) may waive or reduce the min-
16 imum non-Federal cost-sharing require-
17 ment under subparagraph (C), at the dis-
18 cretion of the Secretary, if the Secretary
19 determines that the financial situation of
20 the non-Federal sponsor of the project
21 warrants a reduction; and

22 “(ii) may not impose a non-Federal
23 cost-sharing requirement on a project serv-
24 ing a disadvantaged community (as defined

1 in section 1452(d) of the Safe Drinking
 2 Water Act (42 U.S.C. 300j-12(d)).

3 “(E) FACTORS.—In determining how to
 4 best provide extended assistance under this
 5 paragraph, the Secretary shall consider whether
 6 granting the extended assistance would—

7 “(i) minimize costs of long-term bur-
 8 dens on the non-Federal sponsor of the
 9 project;

10 “(ii) increase the resiliency of the
 11 project; and

12 “(iii) align with long-term solutions to
 13 problems that the project seeks to rectify.

14 “(F) SUNSET.—The authority of the Sec-
 15 retary to provide extended assistance under this
 16 paragraph shall terminate on the date that is 2
 17 years after the date of enactment of the Amer-
 18 ica’s Water Infrastructure Act of 2018.”.

19 **SEC. 1013. ADVANCED FUNDS FOR WATER RESOURCES DE-**
 20 **VELOPMENT STUDIES AND PROJECTS.**

21 The Act of October 15, 1940 (54 Stat. 1176, chapter
 22 884; 33 U.S.C. 701h-1) is amended—

23 (1) in the first sentence—

24 (A) by striking “Whenever any” and in-
 25 serting the following:

1 “(a) IN GENERAL.—Whenever any”;

2 (B) by striking “a flood-control project
3 duly adopted and authorized by law” and in-
4 serting “an authorized water resources develop-
5 ment study or project,”; and

6 (C) by striking “such work” and inserting
7 “such study or project”;

8 (2) in the second sentence—

9 (A) by striking “The Secretary of the
10 Army” and inserting the following:

11 “(b) REPAYMENT.—The Secretary of the Army”; and

12 (B) by striking “from appropriations which
13 may be provided by Congress for flood-control
14 work” and inserting “if specific appropriations
15 are provided by Congress for such purpose”;
16 and

17 (3) by adding at the end the following:

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to the Secretary to pro-
20 vide repayment under subsection (b) \$50,000,000 for each
21 of fiscal years 2020 and 2021.

22 “(d) DEFINITION OF STATE.—In this section, the
23 term ‘State’ means—

24 “(1) a State;

25 “(2) the District of Columbia;

1 “(3) the Commonwealth of Puerto Rico;

2 “(4) any other territory or possession of the
3 United States; and

4 “(5) a federally recognized Indian tribe or a
5 tribal organization (as defined in section 4 of the In-
6 dian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304)).”.

8 **SEC. 1014. IMPLEMENTATION GUIDANCE.**

9 (a) **IN GENERAL.**—Except as provided in subsection
10 (b), not later than 120 days after the date of enactment
11 of this Act, the Secretary shall issue guidance to imple-
12 ment each provision of law (including an amendment made
13 to a provision of law) under the jurisdiction of the Sec-
14 retary, for which guidance has not been issued as of the
15 date of enactment of this Act, under—

16 (1) the Water Resources Reform and Develop-
17 ment Act of 2014 (128 Stat. 1193); and

18 (2) the Water Infrastructure Improvements for
19 the Nation Act (130 Stat. 1628).

20 (b) **EXCEPTION.**—Subsection (a) shall not apply with
21 respect to a provision of law for which a lack of funds
22 appropriated to carry out that provision prevents imple-
23 mentation guidance from being issued.

1 **SEC. 1015. IMPLEMENTATION GUIDANCE FOR THIS ACT.**

2 (a) **IN GENERAL.**—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall issue
4 guidance to carry out this Act and any amendments made
5 by this Act with respect to a provision of law under the
6 jurisdiction of the Secretary.

7 (b) **EXCEPTION.**—Subsection (a) shall not apply with
8 respect to a provision of law for which a lack of funds
9 appropriated to carry out that provision prevents imple-
10 mentation guidance from being issued.

11 (c) **PUBLIC COMMENT.**—Before issuing any guidance
12 under subsection (a), the Secretary shall provide an oppor-
13 tunity for public comment on the proposed guidance.

14 (d) **SUBMISSION.**—The Secretary shall submit to the
15 Committee on Environment and Public Works of the Sen-
16 ate and the Committee on Transportation and Infrastruc-
17 ture of the House of Representatives a copy of all public
18 comments received under subsection (c) and a description
19 of any consideration of those comments.

20 **SEC. 1016. EASEMENTS FOR CERTAIN RURAL ELECTRIC,**
21 **TELEPHONE, AND BROADBAND SERVICE FA-**
22 **CILITIES.**

23 Section 1172 of the Water Infrastructure Improve-
24 ments for the Nation Act (33 U.S.C. 2354) is amended—

25 (1) by redesignating subsection (c) as sub-
26 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) CERTAIN EASEMENTS.—

4 “(1) IN GENERAL.—The Secretary shall grant
5 an easement across water resources development
6 project land for the electric, telephone, or broadband
7 service facilities of a nonprofit organization that is
8 eligible for financing under the Rural Electrification
9 Act of 1936 (7 U.S.C. 901 et seq.) if the easement
10 does not interfere with the safe functioning of the
11 water resources development project.

12 “(2) PLACEMENT.—The placement of an ease-
13 ment under paragraph (1) shall be at the discretion
14 of the Secretary.”.

15 **SEC. 1017. CORPS CAPABILITIES.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Secretary shall conduct and complete the
18 study under section 936 of the Water Resources Develop-
19 ment Act of 1986 (33 U.S.C. 2300).

20 **SEC. 1018. PROJECT AUTHORIZATION FUNDING LINES.**

21 In any case in which a project under the jurisdiction
22 of the Secretary is budgeted under a different business
23 line than the business line under which the project was
24 originally authorized, the Secretary shall ensure that the
25 project is carried out in accordance with any requirements

1 that apply to the business line under which the project
2 was originally authorized.

3 **SEC. 1019. CONSOLIDATION OF STUDIES; REPORT.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary shall complete
6 a study on whether section 1002 of the Water Resources
7 Reform and Development Act of 2014 (128 Stat. 1198)
8 and the amendments made by that section limit options
9 available to the Secretary to fund work relating to—

- 10 (1) feasibility scoping;
11 (2) project management planning; and
12 (3) review plan development.

13 (b) REPORT TO CONGRESS.—Not later than 1 year
14 after the date of enactment of this Act, the Secretary shall
15 submit to Congress a report describing the results of the
16 study under subsection (a).

17 **SEC. 1020. NON-FEDERAL STUDY AND CONSTRUCTION OF**
18 **PROJECTS.**

19 Section 203(e) of the Water Resources Development
20 Act of 1986 (33 U.S.C. 2231(e)) is amended—

21 (1) by striking “At the request of a non-Fed-
22 eral interest, the Secretary may provide” and insert-
23 ing the following:

24 “(1) IN GENERAL.—On the request of a non-
25 Federal interest, the Secretary shall provide”; and

1 (2) by adding at the end the following:

2 “(2) SAVINGS PROVISION.—The provision of
3 technical assistance by the Secretary under para-
4 graph (1)—

5 “(A) shall not be considered to be an ap-
6 proval or endorsement of the feasibility study;
7 and

8 “(B) shall not affect the responsibilities of
9 the Secretary—

10 “(i) to review the feasibility study for
11 compliance with applicable Federal laws
12 (including regulations) under subsection
13 (b); and

14 “(ii) to make recommendations to
15 Congress on the plan or design of the
16 project under subsection (c).”.

17 **SEC. 1021. REPORTS TO CONGRESS.**

18 (a) IN GENERAL.—Subject to the availability of ap-
19 propriations, the Secretary shall complete and submit to
20 Congress by the applicable date required any report or
21 study required under this Act or an amendment made by
22 this Act.

23 (b) FAILURE TO PROVIDE A COMPLETED REPORT OR
24 STUDY.—

41

1 (1) IN GENERAL.—Subject to subsection (c), if
2 the Secretary fails to provide a report or study de-
3 scribed in subsection (a) by the date that is 180
4 days after the applicable date required for that re-
5 port or study, \$5,000 shall be reprogrammed from
6 the General Expenses account of the civil works pro-
7 gram of the Army Corps of Engineers into the ac-
8 count of the division of the Army Corps of Engi-
9 neers with responsibility for completing that report
10 or study.

11 (2) SUBSEQUENT REPROGRAMMING.—Subject
12 to subsection (c), for each additional week after the
13 date described in paragraph (1) in which a report or
14 study described in that paragraph remains
15 uncompleted and unsubmitted to Congress, \$5,000
16 shall be reprogrammed from the General Expenses
17 account of the civil works program of the Army
18 Corps of Engineers into the account of the division
19 of the Secretary with responsibility for completing
20 that report or study.

21 (c) LIMITATIONS.—

22 (1) IN GENERAL.—For each report or study,
23 the total amounts reprogrammed under subsection
24 (b) shall not exceed, in any fiscal year, \$50,000.

1 (2) AGGREGATE LIMITATION.—The total
2 amount reprogrammed under subsection (b) in a fis-
3 cal year shall not exceed \$100,000.

4 (d) NO FAULT OF THE SECRETARY.—Amounts shall
5 not be reprogrammed under subsection (b) if the Secretary
6 certifies in a letter to the applicable committees of Con-
7 gress that—

8 (1) a major modification has been made to the
9 content of the report or study that requires addi-
10 tional analysis for the Secretary to make a final de-
11 cision on the report or study;

12 (2) amounts have not been appropriated to the
13 agency under this Act or any other Act to carry out
14 the report or study; or

15 (3) additional information is required from an
16 entity other than the Corps of Engineers and is not
17 available in a timely manner to complete the report
18 or study by the deadline.

19 (e) LIMITATION.—The Secretary shall not reprogram
20 funds to the General Expenses account of the civil works
21 program of the Corps of Engineers for the loss of the
22 funds.

23 (f) REPORT.—Not less frequently than once each fis-
24 cal year, the Secretary shall submit to the Committee on
25 Environment and Public Works of the Senate and the

1 Committee on Transportation and Infrastructure of the
2 House of Representatives a report that includes a list of
3 each report or study by the Secretary that—

4 (1) was due to be completed in the previous fis-
5 cal year; but

6 (2) was not completed during that fiscal year.

7 (g) REPEAL.—Section 1042 of the Water Resources
8 Reform and Development Act of 2014 (33 U.S.C. 2201
9 note; Public Law 113–121) is repealed.

10 **SEC. 1022. DISPOSITION STUDIES.**

11 The Secretary shall carry out any disposition study
12 for a project of the Corps of Engineers in a transparent
13 manner, including—

14 (1) by offering opportunities for public input
15 during the study; and

16 (2) publishing and making publicly available
17 final disposition studies.

18 **SEC. 1023. NATURAL INFRASTRUCTURE.**

19 In each feasibility study carried out by the Secretary
20 for a project for flood risk management or hurricane and
21 storm damage risk reduction, the Secretary shall consider
22 the use of both traditional and natural infrastructure al-
23 ternatives, alone or in conjunction with each other, if those
24 alternatives are practicable.

1 **SEC. 1024. WATERCRAFT INSPECTION STATIONS.**

2 Section 104 of the River and Harbor Act of 1958
3 (33 U.S.C. 610) is amended—

4 (1) by striking subsection (b) and inserting the
5 following:

6 “(b) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—There is authorized to be
8 appropriated \$80,000,000 to carry out this section
9 for each fiscal year, of which—

10 “(A) \$30,000,000 shall be made available
11 to carry out subsection (d)(1)(A)(i); and

12 “(B) \$30,000,000 shall be made available
13 to carry out subsection (d)(1)(A)(ii).

14 “(2) CONTROL OPERATIONS.—Any funds under
15 paragraph (1) used for control operations shall be
16 allocated by the Chief of Engineers on a priority
17 basis, based on the urgency and need of each area
18 and the availability of local funds.”; and

19 (2) in subsection (d)—

20 (A) by striking paragraph (1) and insert-
21 ing the following:

22 “(1) IN GENERAL.—

23 “(A) WATERCRAFT INSPECTION STA-
24 TIONS.—In carrying out this section, the Sec-
25 retary shall establish, operate, and maintain
26 new or existing watercraft inspection stations—

1 “(i) to protect the Columbia River
2 Basin; and

3 “(ii) to protect the Upper Missouri
4 River Basin.

5 “(B) LOCATIONS.—The Secretary shall
6 place watercraft inspection stations under sub-
7 paragraph (A) at locations, as determined by
8 the Secretary in consultation with States within
9 the areas described in subparagraph (A), with
10 the highest likelihood of preventing the spread
11 of aquatic invasive species at reservoirs oper-
12 ated and maintained by the Secretary.

13 “(C) RAPID RESPONSE.—The Secretary
14 shall assist the States within the areas de-
15 scribed in subparagraph (A) with rapid re-
16 sponse to any aquatic invasive species, including
17 quagga or zebra mussel, infestation.”; and

18 (B) by striking paragraph (3)(A) and in-
19 serting the following:

20 “(A) the Governors of the States within
21 the areas described in clause (i) or (ii) of para-
22 graph (1)(A), as applicable;”.

1 **SEC. 1025. REAUTHORIZATION OF NON-FEDERAL IMPLE-**
2 **MENTATION PILOT PROGRAM.**

3 Section 1043 of the Water Resources Reform and De-
4 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
5 113–121) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (5)(B), by inserting “and
8 not later than 3 years after the date of enact-
9 ment of the America’s Water Infrastructure Act
10 of 2018” after “this Act”;

11 (B) in paragraph (7), by striking “5
12 years” and inserting “7 years”; and

13 (C) in paragraph (8), by striking “each of
14 fiscal years 2015 through 2019” and inserting
15 “each of fiscal years 2015 through 2021”; and

16 (2) in subsection (b)—

17 (A) in paragraph (3)(A)(i), by striking
18 “date of enactment of this Act” each place it
19 appears and inserting “date of enactment of the
20 America’s Water Infrastructure Act of 2018”;

21 (B) in paragraph (4), by striking “applica-
22 ble on the day before the date of enactment of
23 this Act” and inserting “otherwise applicable”;

24 (C) in paragraph (5)(B), by inserting “and
25 not later than 3 years after the date of enact-

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1 ment of the America’s Water Infrastructure Act
2 of 2018” after “this Act”;

3 (D) in paragraph (7), by striking “5
4 years” and inserting “7 years”; and

5 (E) in paragraph (8), by striking “each of
6 fiscal years 2015 through 2019” and inserting
7 “each of fiscal years 2015 through 2021”.

8 **SEC. 1026. PROJECT STUDIES SUBJECT TO INDEPENDENT**
9 **PEER REVIEW.**

10 (a) **EXTENSION.**—Section 2034(h)(2) of the Water
11 Resources Development Act of 2007 (33 U.S.C.
12 2343(h)(2)) is amended by striking “12 years” and insert-
13 ing “17 years”.

14 (b) **REPORT.**—Section 2034(i) of the Water Re-
15 sources Development Act of 2007 (33 U.S.C. 2343(i)) is
16 amended by adding at the end the following:

17 “(3) **REPORT.**—Not later than 1 year after the
18 date of enactment of the America’s Water Infra-
19 structure Act of 2018, the Secretary shall—

20 “(A) complete an analysis of—

21 “(i) cost and time overruns for
22 projects subject to this section;

23 “(ii) the effectiveness of peer review,
24 and the extent to which planning problems

1 are identified in the peer review process;
2 and

3 “(iii) whether the Secretary plans to
4 take actions to improve the general plan-
5 ning process to address planning problems
6 identified in multiple reviews by Inde-
7 pendent External Peer Review panels; and

8 “(B) submit to the Committee on Environ-
9 ment and Public Works of the Senate and the
10 Committee on Transportation and Infrastruc-
11 ture of the House of Representatives a report
12 describing the results of the analysis under sub-
13 paragraph (A).”.

14 **SEC. 1027. EXPEDITED CONSIDERATION.**

15 Section 7004(b)(4) of the Water Resources Reform
16 and Development Act of 2014 (128 Stat. 1374) is amend-
17 ed by striking “December 31, 2018” and inserting “De-
18 cember 31, 2024”.

19 **SEC. 1028. WIFIA STUDY.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Secretary shall—

22 (1) carry out a study on impediments to the im-
23 plementation of the Water Infrastructure Finance
24 and Innovation Act (33 U.S.C. 3901 et seq.) for the
25 Secretary, including—

1 (A) the obstacles that need to be removed
2 for the Secretary to implement the responsibil-
3 ities of the Secretary under that Act;

4 (B) an identification of all projects that
5 the Secretary determines to be potentially viable
6 to receive assistance under that Act; and

7 (C) an identification of any amendments to
8 that Act or other legislative or regulatory
9 changes that would improve the ability of the
10 Secretary to implement that Act; and

11 (2) submit to the Committee on Environment
12 and Public Works of the Senate and the Committee
13 on Transportation and Infrastructure of the House
14 of Representatives a report on the results of the
15 study under paragraph (1).

16 **SEC. 1029. ENHANCED DEVELOPMENT DEMONSTRATION**
17 **PROGRAM.**

18 (a) IN GENERAL.—The Secretary is directed to re-
19 view the master plan and shoreline management plan for
20 any lake described in section 3134 of the Water Resources
21 Development Act of 2007 (121 Stat. 1142; 130 Stat.
22 1671) for the purpose of identifying areas suitable for en-
23 hanced development if—

1 (1) the master plan and shoreline management
2 plan of the lake have been updated since January 1,
3 2013; and

4 (2) the district office of the Corps of Engineers
5 has received a written request for such a review.

6 (b) DEFINITION OF ENHANCED DEVELOPMENT.—In
7 this section, the term “enhanced development” means
8 structures or other improvements used for non-water-de-
9 pendent commercial or hospitality industry purposes or for
10 residential or recreational purposes.

11 (c) LEASE AUTHORITY.—The Secretary is authorized
12 to lease Federal land under the jurisdiction of the Sec-
13 retary pursuant to this section for such terms as the Sec-
14 retary determines to be advisable to permit enhanced de-
15 velopment in areas approved for such uses under sub-
16 section (a).

17 (d) USE OF COMPETITIVE PROCEDURES.—The Sec-
18 retary shall require use of competitive procedures for
19 leases authorized under subsection (c).

20 (e) CONSIDERATIONS.—For leases authorized under
21 subsection (c), the Secretary shall—

22 (1) require payment of at least fair market
23 value, up to 50 percent of which amount may be
24 provided in-kind at the discretion of the Secretary;

1 (2) enter into a partnership agreement with a
2 private entity;

3 (3) consider lease durations of up to 100 years;
4 and

5 (4) consider regional economic impacts.

6 (f) TYPES OF IN-KIND CONSIDERATION.—The Sec-
7 retary is authorized to accept as in-kind consideration
8 under subsection (e)(1)—

9 (1) the maintenance, protection, alteration, re-
10 pair, improvement, or restoration of public recre-
11 ation facilities under the control of the Secretary;
12 and

13 (2) construction of new public recreation facili-
14 ties.

15 (g) DISPOSITION OF PROCEEDS.—Notwithstanding
16 section 7 of the Act of August 18, 1941 (55 Stat. 650,
17 chapter 377; 33 U.S.C. 701c-3), all proceeds received
18 from issuance of leases authorized under subsection (c)
19 shall be deposited in a special account in the Treasury
20 established for the Secretary and shall be available for the
21 following activities at the lake specified in a lease entered
22 into under this section:

23 (1) Natural resource and recreation manage-
24 ment.

1 (2) The investigation, planning, construction,
2 operation, and maintenance of public recreation fa-
3 cilities.

4 (h) PAYMENT OF ADMINISTRATIVE EXPENSES.—The
5 Secretary shall recover the administrative expenses associ-
6 ated with leases authorized under subsection (c) in accord-
7 ance with section 2695 of title 10, United States Code.

8 (i) STUDY APPLICATION OF MILITARY LEASING AU-
9 THORITIES TO CIVIL WORKS PROJECTS.—Not later than
10 2 years after the date of enactment of this Act, the Sec-
11 retary shall—

12 (1) complete a study on the application of sec-
13 tion 2667 of title 10, United States Code, enhanced
14 use leasing authorities, and other military leasing
15 authorities to the civil works program of the Sec-
16 retary; and

17 (2) submit to Congress a report on the results
18 of the study under paragraph (1), including a de-
19 scription of the obstacles that must be removed to
20 implement the authorities.

21 **SEC. 1030. DUPLICATION OF EFFORTS.**

22 In the case of a project in which the non-Federal
23 sponsor is working with an institution of higher education,
24 in order to reduce duplication of efforts, the Secretary
25 shall consider hiring an institution of higher education or

1 entity, in accordance with any applicable contract law, to
2 provide assistance under section 22 of the Water Re-
3 sources Development Act of 1974 (42 U.S.C. 1962d-16)
4 with respect to that project.

5 **SEC. 1031. CORPS OF ENGINEERS BOARD OF APPEALS FOR**
6 **CERTAIN WATER STORAGE PROJECTS.**

7 (a) **PURPOSE AND NEED STATEMENTS.—**

8 (1) **IN GENERAL.**—Not later than 90 days after
9 the date of receipt of a complete application for a
10 water storage project, the District Engineer shall de-
11 velop and provide to the applicant a purpose and
12 need statement that describes—

13 (A) whether the District Engineer concurs
14 with the assessment of the purpose of and need
15 for the water storage project proposed by the
16 applicant; and

17 (B) in any case in which the District Engi-
18 neer does not concur as described in subpara-
19 graph (A), an assessment by the District Engi-
20 neer of the purpose of and need for the project.

21 (2) **EFFECT ON ENVIRONMENTAL IMPACT**
22 **STATEMENTS.**—No environmental impact statement
23 or environmental assessment required under the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.) shall substantially commence with re-

1 spect to a water storage project for which an appli-
2 cation is submitted as described in paragraph (1)
3 until the date on which the District Engineer pro-
4 vides to the applicant the purpose and need state-
5 ment under that paragraph.

6 (b) RECORDS OF DECISION.—Before the Secretary
7 issues a permit decision for any project for which a permit
8 from the Secretary is required, the Secretary shall provide
9 to the applicant a record of decision that describes all ap-
10 plicable conditions under the permit that will apply to the
11 project.

12 (c) CORPS OF ENGINEERS BOARD OF APPEALS.—

13 (1) ESTABLISHMENT.—The Secretary shall es-
14 tablish a board of appeals, to be known as the
15 “Corps of Engineers Board of Appeals” (referred to
16 in this subsection as the “Board”).

17 (2) MEMBERSHIP.—

18 (A) IN GENERAL.—The Board shall be
19 composed of 5 members, to be appointed by the
20 Secretary, of whom—

21 (i) 2 shall be representatives of State
22 water development commissions and agen-
23 cies with water storage needs;

24 (ii) 2 shall be representatives of the
25 Corps of Engineers; and

55

1 (iii) 1—

2 (I) shall be selected jointly by the
3 Secretary and the entities described in
4 clause (i); and

5 (II) shall not be a representative
6 of any entity described in clause (i) or
7 (ii).

8 (B) REQUIREMENTS.—In selecting mem-
9 bers to serve on the Board, the Secretary shall
10 ensure that each Board member—

11 (i) does not have a conflict of interest;
12 and

13 (ii) is not from the same State in
14 which the project that is the subject of the
15 appeal is located.

16 (3) DUTIES.—

17 (A) IN GENERAL.—The Board shall make
18 determinations on—

19 (i) all appeals relating to a purpose
20 and need statement provided under sub-
21 section (a)(1); and

22 (ii) all appeals relating to the permit
23 conditions described in a record of decision
24 under subsection (b).

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1 (B) DEADLINE.—The Board shall make a
2 determination regarding an appeal under sub-
3 paragraph (A) by not later than 90 days after
4 the date on which the appeal is filed with the
5 Board.

6 (C) FACTORS FOR CONSIDERATION.—In
7 making a determination under subparagraph
8 (A), the Board shall evaluate—

9 (i) in the case of an appeal described
10 in subparagraph (A)(i), any field assess-
11 ment of the Corps of Engineers regarding
12 the purpose of and need for the applicable
13 water storage project; and

14 (ii) in the case of an appeal described
15 in subparagraph (A)(ii), any condition
16 placed on a project under a permit based
17 on the record of decision under subsection
18 (b).

19 (4) CONSIDERATION BY DISTRICT ENGINEER.—

20 (A) IN GENERAL.—In the case of any de-
21 termination of the Board under paragraph
22 (3)(A), the applicable District Engineer shall
23 reconsider the purpose and need statement or
24 permit condition, as applicable, taking into con-

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1 sideration the determination of the Board under
2 paragraph (3)(A).

3 (B) EXPLANATION.—If the District Engi-
4 neer determines not to accept a determination
5 under subparagraph (A), the District Engineer
6 shall, not later than 90 days after the date on
7 which the District Engineer receives the deter-
8 mination, provide to the applicant and to the
9 Board a written explanation as to why the Dis-
10 trict Engineer rejected the determination.

11 **SEC. 1032. SENSE OF CONGRESS RELATING TO LOCAL ROLE**
12 **IN CORPS PROJECTS.**

13 It is the sense of Congress that in a case in which
14 a local non-Federal interest takes responsibility for certain
15 operation, maintenance, or capital improvement expenses
16 of a project of the Secretary, the provision of funds by
17 the local non-Federal interest results in savings to Federal
18 taxpayers.

19 **SEC. 1033. SENSE OF CONGRESS RELATING TO STUDY OF**
20 **WATER RESOURCES DEVELOPMENT**
21 **PROJECTS BY NON-FEDERAL INTERESTS.**

22 It is the sense of Congress that the amendment to
23 section 203 of the Water Resources Development Act of
24 1986 (33 U.S.C. 2231) made by section 1126 of the Water
25 Infrastructure Improvements for the Nation Act (130

1 Stat. 1648) was intended to supersede any conflicting
2 laws.

3 **SEC. 1034. SENSE OF CONGRESS RELATING TO PROJECT**
4 **PARTNERSHIP AGREEMENTS.**

5 It is the sense of Congress that the Secretary should
6 simplify and expedite the process for addressing in-kind
7 work in project partnership agreements—

8 (1) to allow for more flexibility for potential
9 changes to in-kind work; and

10 (2) to delegate approval for project partnership
11 agreements to the District Engineer, if practicable.

12 **SEC. 1035. SENSE OF CONGRESS RELATING TO ENCOUR-**
13 **AGING RESILIENT TECHNIQUES AND HABI-**
14 **TAT CONNECTIVITY IN ECOSYSTEM RES-**
15 **TORATION.**

16 It is the sense of Congress that the Secretary should
17 ensure that infrastructure of the Secretary can endure ex-
18 treme weather, mitigate flooding and other negative im-
19 pacts on communities, and provide a significant return on
20 investment by—

21 (1) encouraging the use of resilient structural
22 or nonstructural construction techniques; and

23 (2) clarifying that nonstructural approaches,
24 techniques, and alternatives include natural and na-
25 ture-based solutions.

1 **SEC. 1036. ALTERATIONS TO LOCAL FLOOD CONTROL**
 2 **PROJECTS.**

3 The District Engineer of each district of the Corps
 4 of Engineers, or, on request of the applicant, the Sec-
 5 retary, shall have the authority to implement existing au-
 6 thorities to approve alterations to local flood control
 7 projects in accordance with section 208.10 of title 33,
 8 Code of Federal Regulations (or successor regulations),
 9 and other applicable laws (including regulations) relating
 10 to flood control.

11 **SEC. 1037. NON-FEDERAL CONSTRUCTION.**

12 Section 204(b) of the Water Resources Development
 13 Act of 1986 (33 U.S.C. 2232(b)) is amended by adding
 14 at the end the following:

15 “(3) NON-FEDERAL CONSTRUCTION.—

16 “(A) IN GENERAL.—If a non-Federal in-
 17 terest of a water resources development project
 18 begins to carry out that water resources devel-
 19 opment project under this section, the non-Fed-
 20 eral interest may request that the Secretary
 21 transfer all relevant data and documentation
 22 within the control of the Secretary with respect
 23 to that water resources development project to
 24 the non-Federal interest.

25 “(B) DEADLINE.—The Secretary shall
 26 transfer the data and documentation described

1 in subparagraph (A) not later than the date
 2 that is 90 days after the date of the request de-
 3 scribed in that subparagraph.

4 “(C) TECHNICAL ASSISTANCE.—If the Sec-
 5 retary provides the data and documentation de-
 6 scribed in subparagraph (A), the non-Federal
 7 interest may request, and the Secretary shall
 8 provide, technical assistance and relevant mate-
 9 rials to the non-Federal interest to assist the
 10 non-Federal interest in applying for and obtain-
 11 ing the Federal permits described in paragraph
 12 (2)(A) to obtain the permits in the most expedi-
 13 tious manner practicable.”.

14 **SEC. 1038. CONTRIBUTED FUNDS FOR NON-FEDERAL RES-**
 15 **ERVOIR OPERATIONS.**

16 Section 5 of the Act of June 22, 1936 (commonly
 17 known as the “Flood Control Act of 1936”) (49 Stat.
 18 1589, chapter 688; 33 U.S.C. 701h) is amended by insert-
 19 ing after “authorized purposes of the project” the fol-
 20 lowing: “*Provided further*, That the Secretary is author-
 21 ized to receive and expend funds from a State or a political
 22 subdivision of a State, another non-Federal interest, or an
 23 owner of a non-Federal reservoir to formulate, review, or
 24 revise operational documents for any non-Federal res-
 25 ervoir for which the Secretary is authorized to prescribe

1 regulations for the use of storage allocated for flood con-
2 trol or navigation pursuant to section 7 of the Act of De-
3 cember 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C.
4 709):”.

5 **SEC. 1039. MITIGATION BANK CREDIT RELEASE SCHED-**
6 **ULES.**

7 (a) **DEFINITION OF MITIGATION BANK.**—In this sec-
8 tion, the term “mitigation bank” has the meaning given
9 that term in section 332.2 of title 33, Code of Federal
10 Regulations (as in effect on the date of enactment of this
11 Act).

12 (b) **GUIDANCE.**—The Secretary, in coordination with
13 the Administrator of the Environmental Protection Agen-
14 cy, shall issue guidance for the development of mitigation
15 bank credit release schedules that—

16 (1) support the goal of achieving expedited per-
17 mitting; and

18 (2) maintain appropriate environmental protec-
19 tions.

20 (c) **REQUIREMENTS.**—In achieving the goal of expe-
21 dited permitting, the guidance issued under subsection (b)
22 shall—

23 (1) achieve compliance with the requirements
24 of—

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1 (A) the final rule entitled “Compensatory
2 Mitigation for Losses of Aquatic Resources”
3 (73 Fed. Reg. 19594 (April 10, 2008)); and

4 (B) section 314(b) of the National Defense
5 Authorization Act for Fiscal Year 2004 (33
6 U.S.C. 1344 note; Public Law 108–136); and
7 (2) require—

8 (A) the mitigation bank sponsor to provide
9 financial assurances to ensure the completion,
10 in accordance with applicable performance
11 standards, of the mitigation bank in accordance
12 with section 332.3(n) of title 33, Code of Fed-
13 eral Regulations (as in effect on the date of en-
14 actment of this Act);

15 (B) the mitigation bank sponsor to reserve
16 the quantity of mitigation bank credits required
17 to ensure ecological performance of the mitiga-
18 tion bank; and

19 (C) that, except for credits reserved under
20 subparagraph (B), all mitigation bank credits
21 shall be available on completion of the construc-
22 tion of the bank.

1 **SEC. 1040. INNOVATIVE MATERIALS REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary shall submit to Congress a re-
4 port that—

5 (1) describes activities conducted by the Corps
6 of Engineers at centers of expertise, technology cen-
7 ters, technical centers, research and development
8 centers, and similar facilities and organizations re-
9 lating to the testing, research, development, identi-
10 fication, and recommended uses for innovative mate-
11 rials in water resources projects; and

12 (2) provides recommendations for projects in
13 which innovative materials should be used.

14 **SEC. 1041. UPDATES TO BENEFIT-COST ANALYSIS.**

15 Notwithstanding any other provision of law, for any
16 project of the Secretary for which construction has com-
17 menced, the Secretary shall not perform or update a ben-
18 efit-cost analysis of the project.

19 **SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT**
20 **PLANS.**

21 The Secretary, with the consent of the non-Federal
22 sponsor of a feasibility study for a water resources devel-
23 opment project, may enter into a feasibility study cost-
24 sharing agreement under section 221(a) of the Flood Con-
25 trol Act of 1970 (42 U.S.C. 1962d-5b(a)), to allow a unit
26 of local government in a watershed that has adopted a

1 local or regional water management plan to participate in
2 the feasibility study to determine if there is an opportunity
3 to include additional feasible elements in the project being
4 studied to help achieve the purposes identified in the local
5 or regional water management plan.

6 **SEC. 1043. ACCESS TO REAL ESTATE DATA.**

7 (a) IN GENERAL.—Using available funds, the Sec-
8 retary shall make publicly available, including on the inter-
9 net, all real estate assets of the Corps of Engineers in
10 the United States and other Federal real estate assets
11 owned, operated, managed, regulated, or in the custody
12 of the Corps of Engineers.

13 (b) REQUIREMENTS.—

14 (1) IN GENERAL.—The real estate data re-
15 quired under subsection (a) shall include—

16 (A) existing standardized real estate plat
17 descriptions; and

18 (B) existing geographic information sys-
19 tems and geospatial information.

20 (2) COLLABORATION.—In distributing the in-
21 formation required under subsection (a), the Sec-
22 retary shall collaborate with the Administrator of
23 General Services.

24 (c) LIMITATION.—Nothing in this section shall com-
25 pel or authorize the disclosure of data or other information

1 determined by the Secretary to be confidential, privileged,
2 national security information, personal information, or in-
3 formation the disclosure of which is otherwise prohibited
4 by law.

5 (d) TIMING.—The Secretary shall ensure that the
6 real estate data required under subsection (a) is made
7 publicly available as soon as practicable.

8 **SEC. 1044. ADVANCED FUNDS FOR DISCRETE SEGMENTS.**

9 (a) IN GENERAL.—The Secretary may accept and ex-
10 pend funds advanced from a non-Federal interest to carry
11 out a discrete segment of an authorized project for naviga-
12 tion of the Secretary if the Secretary determines that the
13 discrete segment—

14 (1) is technically feasible and environmentally
15 acceptable; and

16 (2) can be operated independently without cre-
17 ating a hazard in advance of completion of the
18 project.

19 (b) CREDIT.—The Secretary may credit the funds ad-
20 vanced under subsection (a) toward the non-Federal share
21 of the cost of the project for which the funds were ad-
22 vanced.

1 **SEC. 1045. INCLUSION OF NON-FEDERAL INTERESTS IN**
2 **PROJECT CONSULTATIONS.**

3 (a) **IN GENERAL.**—In a timely manner, the non-Fed-
4 eral interest for a water resources development study or
5 project shall be given the opportunity to participate in all
6 consultations with Federal and State agencies and Indian
7 Tribes required by Federal law.

8 (b) **CONSIDERATION OF VIEWS.**—

9 (1) **IN GENERAL.**—The Secretary shall solicit
10 and give full consideration to the views of a non-
11 Federal interest when carrying out the responsibil-
12 ities of the Secretary with respect to consultations
13 with Federal and State agencies and Indian Tribes
14 required by Federal law for a water resources devel-
15 opment study or project.

16 (2) **CONTINUED CONSULTATIONS.**—The Sec-
17 retary shall require the applicable District Com-
18 mander to engage in consultation with a non-Federal
19 interest throughout the course of a water resources
20 development study or project.

21 (c) **PROCESSES REQUIRED.**—For any consultation
22 referred to in or required under this section, the consulta-
23 tion shall require notification to, working with, and ad-
24 dressing the concerns of the non-Federal sponsor.

1 **SEC. 1046. CATEGORICAL EXCLUSIONS.**

2 Section 2045(l) of the Water Resources Development
3 Act of 2007 (33 U.S.C. 2348(l)) is amended—

4 (1) by striking “Water Resources Reform and
5 Development Act of 2014” each place it appears and
6 inserting “America’s Water Infrastructure Act of
7 2018”;

8 (2) in paragraph (1)(A), by striking “2005”
9 and inserting “2014”; and

10 (3) in paragraph (2), by striking “(or successor
11 regulation)” and inserting “(as in effect on the date
12 of enactment of the America’s Water Infrastructure
13 Act of 2018)”.

14 **SEC. 1047. GEOMATIC DATA.**

15 If a Federal or State department or agency consid-
16 ering an aspect of an application for Federal authorization
17 requires the applicant to submit environmental data, the
18 department or agency shall consider any such data sub-
19 mitted by the applicant which was gathered by geomatic
20 techniques, including tools and techniques used in land
21 surveying, remote sensing, cartography, geographic infor-
22 mation systems, global navigation satellite systems, photo-
23 grammetry, geophysics, geography, or other remote
24 means. The applicable agency may grant conditional ap-
25 proval for Federal authorization, conditioned on the
26 verification of such data by subsequent onsite inspection.

1 **SEC. 1048. FLEXIBILITY FOR PROJECTS.**

2 (a) **GOAL.**—For each feasibility study initiated by the
3 Secretary on or after the date of enactment of this Act
4 under section 905(a) of the Water Resources Development
5 Act of 1986 (33 U.S.C. 2282(a)), the Secretary shall—

6 (1) establish a goal of completing the feasibility
7 study by not later than 2 years after the date of ini-
8 tiation; and

9 (2) to the maximum extent practicable, attempt
10 to comply with the goal under paragraph (1).

11 (b) **AUTHORITY.**—In carrying out a feasibility study
12 described in subsection (a), the Secretary shall—

13 (1) exercise all existing flexibilities under and
14 exceptions to any requirement administered by the
15 Secretary, in whole or in part; and

16 (2) otherwise provide additional flexibility or ex-
17 pedited processing with respect to the requirements
18 described in paragraph (1) to meet the goal de-
19 scribed in subsection (a)(1).

20 (c) **MAINTAINING PROTECTIONS.**—Nothing in this
21 section—

22 (1) supersedes, amends, or modifies—

23 (A) section 1001(a)(1) of the Water Re-
24 sources Reform and Development Act of 2014
25 (33 U.S.C. 2282c(a)(1)); or

1 (B) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) or any other
3 Federal environmental law; or
4 (2) affects the responsibility of any Federal of-
5 ficer to comply with or enforce any law or require-
6 ment described in this subsection.

7 **TITLE II—STUDIES, MODIFICA-**
8 **TIONS, AND PROJECT AU-**
9 **THORIZATIONS**

10 **Subtitle A—Studies**

11 **SEC. 2001. AUTHORIZATION OF PROPOSED FEASIBILITY**
12 **STUDIES.**

13 The Secretary is authorized to conduct a feasibility
14 study for the following projects for water resources devel-
15 opment and conservation and other purposes, as identified
16 in the reports titled “Report to Congress on Future Water
17 Resources Development” submitted to Congress in March
18 2017 and February 2018, respectively, pursuant to section
19 7001 of the Water Resources Reform and Development
20 Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by
21 Congress:

22 (1) LOWER MISSISSIPPI RIVER, ARKANSAS, KEN-
23 TUCKY, LOUISIANA, MISSOURI, MISSISSIPPI, AND
24 TENNESSEE.—Project for water quality monitoring
25 program and planning, engineering, and design for

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1 8 conservation reach habitat areas, Lower Mis-
2 sissippi River, Arkansas, Kentucky, Louisiana, Mis-
3 souri, Mississippi, and Tennessee.

4 (2) OUACHITA-BLACK RIVERS NAVIGATION
5 PROJECT, ARKANSAS AND LOUISIANA.—Project for
6 navigation, Lower Little River, Arkansas and Lou-
7 isiana.

8 (3) SAN DIEGO RIVER 1, 2, AND 3 LEVEE SYS-
9 TEM.—Project for flood risk reduction, navigation,
10 and ecosystem restoration, San Diego River 1, 2,
11 and 3 levee system, California.

12 (4) NORTHSHORE FLOOD RISK REDUCTION,
13 LOUISIANA.—Project for northshore flood risk reduc-
14 tion, St. Tammany Parish, Louisiana.

15 (5) ST. LOUIS RIVERFRONT-MERAMEC RIVER
16 BASIN, MISSOURI.—Project for ecosystem restora-
17 tion, St. Louis riverfront-Meramec River Basin, Mis-
18 souri, authorized by the resolution adopted by the
19 Committee on Transportation and Infrastructure of
20 the House of Representatives on June 21, 2000, to
21 modify the project to add flood risk management as
22 a project purpose and to expand the study area to
23 include the entire Meramec River Basin.

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1 (6) CHAUTAUQUA LAKE, NEW YORK.—Project
2 for ecosystem restoration and flood risk manage-
3 ment, Chautauqua Lake, New York.

4 (7) TRINITY RIVER AND TRIBUTARIES,
5 TEXAS.—Project for navigation, Trinity River and
6 tributaries, channel to Liberty, Texas.

7 (8) COASTAL VIRGINIA WATER RESOURCES, VIR-
8 GINIA.—Project for hurricane and storm damage
9 risk reduction, coastal Virginia water resources, Vir-
10 ginia.

11 (9) TANGIER ISLAND, VIRGINIA.—Project for
12 ecosystem restoration, flood risk management, and
13 navigation, Tangier Island, Virginia.

14 **SEC. 2002. LOWER MISSOURI RIVER BANK STABILIZATION**
15 **AND NAVIGATION.**

16 The Secretary is authorized to conduct a study on
17 the function and reliability of the Lower Missouri River
18 Bank stabilization and navigation project, authorized by
19 the first section of the Act of July 25, 1912 (37 Stat.
20 219, chapter 253).

1 **Subtitle B—Deauthorizations,**
2 **Modifications, and Related Pro-**
3 **visions**

4 **SEC. 2101. SAVANNAH HARBOR EXPANSION PROJECT.**

5 Section 7002(1) of the Water Resources Reform and
6 Development Act of 2014 (128 Stat. 1364) is amended—

7 (1) by striking “\$492,000,000” and inserting
8 “\$677,613,600”;

9 (2) by striking “\$214,000,000” and inserting
10 “\$295,829,400”; and

11 (3) by striking “\$706,000,000” and inserting
12 “\$973,443,000”.

13 **SEC. 2102. DEAUTHORIZATION OF SVENSEN ISLAND.**

14 The project for flood risk management, Svensen Is-
15 land, Oregon, authorized by section 204 of the Flood Con-
16 trol Act of 1950 (64 Stat. 180), is no longer authorized
17 beginning on the date of enactment of this Act.

18 **SEC. 2103. WHITTIER NARROWS STUDY.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall complete
21 a study evaluating the impacts of removing 1 percent of
22 the flowage spreading grounds from the flood control ease-
23 ment granted for the Whittier Narrows dam for the
24 project on the San Gabriel River authorized by section 5
25 of the Act of June 22, 1936 (commonly known as the

1 “Flood Control Act of 1936”) (49 Stat. 1589, chapter
2 688; 33 U.S.C. 701h).

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Secretary shall submit to
5 Congress a report describing the results of the study under
6 subsection (a).

7 **SEC. 2104. WEST TENNESSEE TRIBUTARIES PROJECT, TEN-**
8 **NESSEE.**

9 The West Tennessee tributaries project along the
10 Obion and Forked Deer Rivers, Tennessee, authorized by
11 section 203 of the Flood Control Act of 1948 (62 Stat.
12 1178) and modified by section 207 of the Flood Control
13 Act of 1966 (80 Stat. 1423), section 3(a) of the Water
14 Resources Development Act of 1974 (88 Stat. 14), and
15 section 183 of the Water Resources Development Act of
16 1976 (90 Stat. 2940) is no longer authorized beginning
17 on the date of enactment of this Act.

18 **SEC. 2105. BRIDGEPORT HARBOR-PEQUONNOCK RIVER**
19 **NAVIGATION PROJECT, CONNECTICUT.**

20 The portions of the project for navigation, Bridgeport
21 Harbor-Pequonnock River, Bridgeport, Connecticut, au-
22 thorized by the first section of the Act of June 18, 1878
23 (20 Stat. 158, chapter 264), the first section of the Act
24 of August 11, 1888 (25 Stat. 401, chapter 860), the first
25 section of the Act of March 3, 1899 (30 Stat. 1122, chap-

1 ter 425), the first section of the Act of June 25, 1910
2 (36 Stat. 633, chapter 382), and the first section of the
3 Act of July 3, 1930 (46 Stat. 919, chapter 847), located
4 north of Congress Street in Bridgeport, Connecticut, are
5 no longer authorized beginning on the date of enactment
6 of this Act.

7 **SEC. 2106. LEVEES L-212 AND L-231, FOUR RIVER BASIN,**
8 **OCKLAWAHA RIVER, FLORIDA.**

9 The portions of the project for flood control and other
10 purposes, Four River Basins, Florida, authorized by sec-
11 tion 203 of the Flood Control Act of 1962 (76 Stat. 1183),
12 consisting of levees L-212 and L-231 along the Ocklawaha
13 River, Florida, are no longer authorized beginning on the
14 date of enactment of this Act.

15 **SEC. 2107. CORPS OF ENGINEERS BRIDGE REPAIR AND DI-**
16 **VESTITURE PROGRAM FOR NEW ENGLAND**
17 **EVACUATION ROUTES.**

18 (a) IN GENERAL.—Subject to the availability of ap-
19 propriations, the Secretary is authorized to repair or re-
20 place, as necessary, any bridge owned and operated by the
21 Secretary that is—

22 (1) located in any of the States of Connecticut,
23 Maine, Massachusetts, New Hampshire, Rhode Is-
24 land, or Vermont; and

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1 (2) necessary for evacuation during a natural or
2 manmade weather event.

3 (b) SALE OR DIVESTMENT.—Notwithstanding any
4 other provision of law, to the maximum extent practicable,
5 after the completion of the repair or replacement of a
6 bridge under subsection (a), the Secretary shall convey the
7 bridge to a willing non-Federal entity, which shall assume
8 ownership and responsibility for the operation and maintenance of the bridge.

10 **SEC. 2108. BOSTON HARBOR RESERVED CHANNEL**
11 **DEAUTHORIZATIONS.**

12 (a) 40-FOOT RESERVED CHANNEL.—

13 (1) IN GENERAL.—The portions of the project
14 for navigation, Boston Harbor, Massachusetts, authorized by the first section of the Act of October
15 17, 1940 (54 Stat. 1198, chapter 895) and modified
16 by section 101 of the River and Harbor Act of 1958
17 (72 Stat. 297), section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607),
18 and section 7002(1) of the Water Resources Reform
19 and Development Act of 2014 (128 Stat. 1365) described in paragraph (2) are no longer authorized
20 beginning on the date of enactment of this Act.

21 (2) AREAS DESCRIBED.—

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1 (A) FIRST AREA.—The first areas de-
2 scribed in this paragraph are—

3 (i) beginning at a point N.
4 2950154.45, E. 785995.64;

5 (ii) running southwesterly about
6 1451.63 feet to a point N. 2950113.83, E.
7 784544.58;

8 (iii) running southeasterly about
9 54.00 feet to a point N. 2950059.85, E.
10 784546.09;

11 (iv) running southwesterly about
12 1335.82 feet to a point N. 2950022.48, E.
13 783210.79;

14 (v) running northwesterly about 83.00
15 feet to a point N. 2950105.44, E.
16 783208.47;

17 (vi) running northeasterly about
18 2787.45 feet to a point N. 2950183.44, E.
19 785994.83; and

20 (vii) running southeasterly about
21 29.00 feet to the point described in clause
22 (i).

23 (B) SECOND AREA.—The second areas de-
24 scribed in this paragraph are—

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- 1 (i) beginning at a point N.
2 2950502.86, E. 785540.84;
3 (ii) running northeasterly about 46.11
4 feet to a point N2950504.16, E785586.94;
5 (iii) running southwesterly about
6 25.67 feet to a point N. 2950480.84, E.
7 785576.18;
8 (iv) running southwesterly to a point
9 N. 2950414.32, E. 783199.83;
10 (v) running northwesterly about 8.00
11 feet to a point N. 2950422.32, E.
12 783199.60;
13 (vi) running northeasterly about
14 2342.58 feet to a point N. 2950487.87, E.
15 785541.26; and
16 (vii) running northwesterly about
17 15.00 feet to the point described in clause
18 (i).

19 (b) 35-FOOT RESERVED CHANNEL.—

20 (1) IN GENERAL.—The portions of the project
21 for navigation, Boston Harbor, Massachusetts, au-
22 thorized by the first section of the Act of October
23 17, 1940 (54 Stat. 1198, chapter 895) and modified
24 by section 101 of the River and Harbor Act of 1958
25 (72 Stat. 297) described in paragraph (2) are no

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1 longer authorized beginning on the date of enact-
2 ment of this Act.

3 (2) AREAS DESCRIBED.—

4 (A) FIRST AREA.—The first areas de-
5 scribed in this paragraph are—

6 (i) beginning at a point N.
7 2950143.44, E. 787532.14;

8 (ii) running southeasterly about 22.21
9 feet to a point N. 2950128.91, E.
10 787548.93;

11 (iii) running southwesterly about
12 4,339.42 feet to a point N. 2950007.48, E.
13 783211.21;

14 (iv) running northwesterly about
15 15.00 feet to a point N. 2950022.48, E.
16 783210.79; and

17 (v) running northeasterly about
18 4,323.05 feet to the point described in
19 clause (i).

20 (B) SECOND AREA.—The second areas de-
21 scribed in this paragraph are—

22 (i) beginning at a point N.
23 2950502.86, E. 785540.84;

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- 1 (ii) running southeasterly about 15.00
2 feet to a point N. 2950487.87, E.
3 785541.26;
4 (iii) running southwesterly about
5 2342.58 feet to a point N. 2950422.32, E.
6 783199.60;
7 (iv) running southeasterly about 8.00
8 feet to a point N. 2950414.32, E.
9 783199.83;
10 (v) running southwesterly about
11 1339.12 feet to a point N. 2950376.85, E.
12 781861.23;
13 (vi) running northwesterly about
14 23.00 feet to a point N. 2950399.84, E.
15 781860.59; and
16 (vii) running northeasterly about
17 3681.70 feet to the point described in
18 clause (i).

19 **SEC. 2109. PROJECT DEAUTHORIZATION AND STUDY EX-**
20 **TENSIONS.**

21 (a) PROJECT DEAUTHORIZATIONS.—Section 6003(a)
22 of the Water Resources Reform and Development Act of
23 2014 (33 U.S.C. 579c(a)) is amended—

- 24 (1) by striking “7-year period” each place it ap-
25 pears and inserting “10-year period”; and

1 (2) by adding at the end the following:

2 “(3) **CALCULATION.**—In calculating the time
3 period under paragraph (1), the Secretary shall not
4 include any period of time during which the project
5 is being reviewed and awaiting a decision by the Sec-
6 retary on a locally preferred plan for that project
7 under section 1036(a).

8 “(4) **EXCEPTION.**—The Secretary shall not de-
9 authorize any project during the period described in
10 paragraph (3).”.

11 (b) **STUDY EXTENSIONS.**—Section 1001(d)(4) of the
12 Water Resources Reform and Development Act of 2014
13 (33 U.S.C. 2282c(d)(4)) is amended by striking “7 years”
14 and inserting “10 years”.

15 **SEC. 2110. DEAUTHORIZATION OF INACTIVE STUDIES.**

16 (a) **PURPOSES.**—The purposes of this section are—

17 (1) to identify \$7,500,000,000 in feasibility
18 studies for water resources development projects
19 that have been authorized but are no longer viable
20 due to—

21 (A) a lack of local support;

22 (B) a lack of available Federal or non-Fed-
23 eral resources; or

24 (C) an authorizing purpose that is no
25 longer relevant;

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1 (2) to create an expedited and definitive process
2 for Congress to deauthorize feasibility studies for
3 water resources development projects that are no
4 longer viable; and

5 (3) to allow the continued authorization of fea-
6 sibility studies for water resources development
7 projects that are viable.

8 (b) INTERIM DEAUTHORIZATION LIST.—

9 (1) IN GENERAL.—The Secretary shall develop
10 an interim deauthorization list that identifies each
11 feasibility study for a water resources development
12 project, or a separable element of a project (referred
13 to in this section as a “feasibility study”)—

14 (A) that has been authorized as of the date
15 of enactment of this Act; and

16 (B) for which no Federal funds have been
17 made available during the 10-year period pre-
18 ceding the date of enactment of this Act.

19 (2) PUBLIC COMMENT AND CONSULTATION.—

20 (A) IN GENERAL.—The Secretary shall so-
21 licit comments from the public and from the
22 Governor of each applicable State on the in-
23 terim deauthorization list developed under para-
24 graph (1).

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1 (B) COMMENT PERIOD.—The comment pe-
2 riod shall be 90 days.

3 (3) SUBMISSION TO CONGRESS; PUBLICA-
4 TION.—Not later than 90 days after the date of the
5 close of the comment period under paragraph (2),
6 the Secretary shall—

7 (A) submit a revised interim deauthoriza-
8 tion list to the Committee on Environment and
9 Public Works of the Senate and the Committee
10 on Transportation and Infrastructure of the
11 House of Representatives; and

12 (B) publish the revised interim deauthor-
13 ization list in the Federal Register.

14 (c) FINAL DEAUTHORIZATION LIST.—

15 (1) IN GENERAL.—The Secretary shall develop
16 a final deauthorization list of feasibility studies from
17 the revised interim deauthorization list described in
18 subsection (b)(3).

19 (2) DEAUTHORIZATION AMOUNT.—

20 (A) PROPOSED FINAL LIST.—The Sec-
21 retary shall prepare a proposed final deauthor-
22 ization list of feasibility studies that have, in
23 the aggregate, an estimated Federal cost to
24 complete that is at least \$7,500,000,000.

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1 (B) DETERMINATION OF FEDERAL COST
2 TO COMPLETE.—For purposes of subparagraph
3 (A), the Federal cost to complete shall take into
4 account any allowances authorized by section
5 902 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2280), as applied to the
7 most recent study schedule and cost estimate.

8 (3) IDENTIFICATION OF STUDIES.—

9 (A) SEQUENCING OF STUDIES.—

10 (i) IN GENERAL.—Except as provided
11 in clause (ii), the Secretary shall identify
12 feasibility studies for inclusion on the pro-
13 posed final deauthorization list according
14 to the order in which the feasibility studies
15 were authorized, beginning with the ear-
16 liest authorized feasibility study and end-
17 ing with the latest feasibility study nec-
18 essary to meet the aggregate amount
19 under paragraph (2)(A).

20 (ii) FACTORS TO CONSIDER.—The
21 Secretary may identify feasibility studies in
22 an order other than that established by
23 clause (i) if the Secretary determines, on a
24 case-by-case basis, that a feasibility study
25 is critical for interests of the United

1 States, based on the possible impact of the
2 project that is the subject of the feasibility
3 study on public health and safety, the na-
4 tional economy, or the environment.

5 (iii) CONSIDERATION OF PUBLIC COM-
6 MENTS.—In making determinations under
7 clause (ii), the Secretary shall consider any
8 comments received under subsection (b)(2).

9 (B) APPENDIX.—The Secretary shall in-
10 clude as part of the proposed final deauthoriza-
11 tion list an appendix that—

12 (i) identifies each feasibility study on
13 the interim deauthorization list developed
14 under subsection (b) that is not included
15 on the proposed final deauthorization list;
16 and

17 (ii) describes the reasons why the fea-
18 sibility study is not included on the pro-
19 posed final list.

20 (4) PUBLIC COMMENT AND CONSULTATION.—

21 (A) IN GENERAL.—The Secretary shall so-
22 licit comments from the public and the Gov-
23 ernor of each applicable State on the proposed
24 final deauthorization list and appendix devel-
25 oped under paragraphs (2) and (3).

1 (B) COMMENT PERIOD.—The public com-
2 ment period shall be 90 days.

3 (5) SUBMISSION OF FINAL LIST TO CONGRESS;
4 PUBLICATION.—Not later than 120 days after the
5 date of the close of the comment period under para-
6 graph (4), the Secretary shall—

7 (A) submit a final deauthorization list and
8 an appendix to the final deauthorization list in
9 a report to the Committee on Environment and
10 Public Works of the Senate and the Committee
11 on Transportation and Infrastructure of the
12 House of Representatives; and

13 (B) publish the final deauthorization list
14 and the appendix to the final deauthorization
15 list in the Federal Register.

16 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

17 (1) IN GENERAL.—After the expiration of the
18 180-day period beginning on the date of submission
19 of the final deauthorization list and appendix under
20 subsection (c), a feasibility study identified in the
21 final deauthorization list shall be deauthorized, un-
22 less Congress passes a joint resolution disapproving
23 the final deauthorization list prior to the end of that
24 period.

25 (2) NON-FEDERAL CONTRIBUTIONS.—

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1 (A) IN GENERAL.—A feasibility study
2 identified in the final deauthorization list under
3 subsection (c) shall not be deauthorized under
4 this subsection if, before the expiration of the
5 180-day period referred to in paragraph (1),
6 the non-Federal interest for the feasibility study
7 provides sufficient funds to complete the feasi-
8 bility study.

9 (B) TREATMENT OF STUDIES.—Notwith-
10 standing subparagraph (A), each feasibility
11 study identified in the final deauthorization list
12 shall be treated as deauthorized for purposes of
13 the aggregate deauthorization amount described
14 in subsection (c)(2)(A).

15 (3) FEASIBILITY STUDIES IDENTIFIED IN AP-
16 PENDIX.—A feasibility study identified in the appen-
17 dix to the final deauthorization list shall remain sub-
18 ject to future deauthorization by Congress.

19 **SEC. 2111. CERTAIN DISPOSITION STUDIES.**

20 (a) DEFINITION OF DISPOSITION STUDY.—In this
21 section, the term “disposition study” includes—

22 (1) a project review under section 216 of the
23 Flood Control Act of 1970 (33 U.S.C. 549a); and

1 (2) the assessment and inventory under section
2 6002 of the Water Resources Reform and Develop-
3 ment Act of 2014 (128 Stat. 1349).

4 (b) ENVIRONMENTAL QUALITY.—In carrying out a
5 disposition study, the Secretary may consider modifica-
6 tions that would improve the overall quality of the environ-
7 ment in the public interest, including removal of the
8 project or a separable element of the project.

9 **SEC. 2112. LOCKS AND DAMS 1 THROUGH 4, KENTUCKY**
10 **RIVER, KENTUCKY.**

11 (a) IN GENERAL.—Beginning on the date of enact-
12 ment of this Act, commercial navigation at Locks and
13 Dams 1 through 4, Kentucky River, Kentucky, shall no
14 longer be authorized, and the land and improvements as-
15 sociated with the locks and dams shall be disposed of con-
16 sistent with subsection (b) and in accordance with the re-
17 port of the Director of Civil Works entitled “Kentucky
18 River Locks and Dams 1, 2, 3, and 4, Disposition Study
19 and Integrated Environmental Assessment” and dated
20 April 20, 2018.

21 (b) DISPOSITION.—The Secretary shall convey to the
22 State of Kentucky (referred to in this section as the
23 “State”), for the use and benefit of the Kentucky River
24 Authority, all right, title, and interest of the United
25 States, together with any improvements on the land, in-

1 cluding improvements located in the Kentucky River, in
2 and to—

3 (1) Lock and Dam 1, located in Carroll County,
4 Kentucky;

5 (2) Lock and Dam 2, located in Owen and
6 Henry counties, Kentucky;

7 (3) Lock and Dam 3, located in Owen and
8 Henry counties, Kentucky; and

9 (4) Lock and Dam 4, located in Franklin Coun-
10 ty, Kentucky.

11 (c) CONDITIONS.—

12 (1) QUITCLAIM DEED.—A conveyance under
13 subsection (b) shall be accomplished by quitclaim
14 deed and without consideration.

15 (2) ADMINISTRATIVE COSTS.—The Secretary
16 shall be responsible for all administrative costs asso-
17 ciated with a conveyance under subsection (b), in-
18 cluding the costs of any surveys the Secretary deter-
19 mines to be necessary.

20 (3) ADDITIONAL TERMS AND CONDITIONS.—A
21 conveyance under subsection (b) shall be subject to
22 such additional terms and conditions as the Sec-
23 retary determines to be necessary to protect the pub-
24 lic interest.

1 (4) LIABILITY.—A conveyance under subsection
2 (b) shall require the State to hold the United States
3 harmless from any and all liability with respect to
4 activities carried out on the property on or after the
5 date of the conveyance under subsection (b).

6 (5) IMPROVEMENTS PROHIBITED.—

7 (A) IN GENERAL.—The Secretary may not
8 improve the locks and dams and land and im-
9 provements associated with the locks and dams
10 described in subsection (b) on or after the date
11 of enactment of this Act.

12 (B) SAVINGS CLAUSE.—Nothing in sub-
13 paragraph (A) prohibits the State from improv-
14 ing the locks and dams and the land and im-
15 provements associated with the locks and dams
16 described in subsection (b) on or after the date
17 of conveyance under subsection (b).

18 (6) APPLICABILITY OF REAL PROPERTY
19 SCREENING PROVISIONS.—Section 2696 of title 10,
20 United States Code, shall not apply to any convey-
21 ance under subsection (b).

22 (d) SAVINGS CLAUSE.—If the State does not accept
23 the conveyance under subsection (b) of the land and im-
24 provements associated with the locks and dams described
25 in subsection (b), the Secretary may dispose of the land

1 and improvements under subchapter III of chapter 5 of
2 title 40, United States Code.

3 **SEC. 2113. KISSIMMEE RIVER RESTORATION.**

4 The Secretary may credit work performed or to be
5 performed by the non-Federal sponsor of the project for
6 ecosystem restoration, Kissimmee River, Florida, author-
7 ized by section 101(8) of the Water Resources Develop-
8 ment Act of 1992 (106 Stat. 4802), as an in-kind con-
9 tribution under section 221(a)(4) of the Flood Control Act
10 of 1970 (42 U.S.C. 1962d–5b(a)(4)), in accordance with
11 the report relating to the Central and Southern Florida
12 Project, Kissimmee River Restoration Project and dated
13 April 27, 2018.

14 **SEC. 2114. NORFOLK HARBOR AND CHANNEL, THIMBLE**
15 **SHOAL WIDENING, VIRGINIA.**

16 The Secretary may carry out the modifications to the
17 project for navigation, Norfolk Harbor and Channels, Vir-
18 ginia, authorized by section 201(a) of the Water Resources
19 Development Act of 1986 (100 Stat. 4090), as identified
20 in the report entitled “Report to Congress on Future
21 Water Resources Development” submitted to Congress in
22 February 2018, pursuant to section 7001 of the Water
23 Resources Reform and Development Act of 2014 (33
24 U.S.C. 2282d).

1 **Subtitle C—Water Resources**
2 **Infrastructure**

3 **SEC. 2201. PROJECT AUTHORIZATIONS.**

4 The following projects for water resources develop-
5 ment and conservation and other purposes, as identified
6 in the report entitled “Report to Congress on Future
7 Water Resources Development” submitted to Congress in
8 March 2017, pursuant to section 7001 of the Water Re-
9 sources Reform and Development Act of 2014 (33 U.S.C.
10 2282d) or otherwise reviewed by Congress, are authorized
11 to be carried out by the Secretary substantially in accord-
12 ance with the plans, and subject to the conditions, de-
13 scribed in the respective reports designated in this section:

14 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Houston-Gal- veston Naviga- tion Channel Extension	August 8, 2017	Federal: \$10,239,000 Non-Federal: \$5,386,000 Total: \$15,625,000

15 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. HI	Ala Wai Canal	December 21, 2017	Federal: \$199,237,000 Non-Federal: \$107,281,000 Total: \$306,518,000
2. NY	Mamaroneck-Sheldrake Rivers	December 14, 2017	Federal: \$51,920,000 Non-Federal: \$27,960,000 Total: \$79,880,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 Duction.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. FL	St. Johns County	August 8, 2017	Initial Federal: \$5,712,000 Initial Non-Federal: \$19,122,000 Initial Total: \$24,834,000 Renourishment Federal: \$9,484,000 Renourishment Non-Federal: \$44,099,000 Renourishment Total: \$53,583,000
2. FL	St. Lucie County	December 15, 2017	Initial Federal: \$7,097,000 Initial Non-Federal: \$13,179,000 Initial Total: \$20,276,000 Renourishment Federal: \$8,915,000 Renourishment Non-Federal: \$24,105,000 Renourishment Total: \$33,020,000
3. TX	Sabine Pass to Galveston Bay	December 7, 2017	Federal: \$2,157,202,000 Non-Federal: \$1,161,570,000 Total: \$3,318,772,000

1 **SEC. 2202. MCMICKEN DAM, ARIZONA, AND MUDDY RIVER,**
2 **MASSACHUSETTS.**

3 (a) **STUDY.**—The Secretary shall conduct a study on
4 the status of—

5 (1) the project at McMicken Dam, Arizona; and

6 (2) the project for flood damage reduction and
7 environmental restoration, Muddy River, Brookline
8 and Boston, Massachusetts, authorized by section
9 522 of the Water Resources Development Act of
10 2000 (114 Stat. 2656).

11 (b) **REPORT.**—Not later than 180 days after the date
12 of enactment of this Act, the Secretary shall submit to
13 Congress a report describing the results of the study under
14 subsection (a).

15 (c) **REQUIREMENTS.**—The report under subsection
16 (b) shall include—

17 (1) a description of the reasons of the Secretary
18 for deauthorizing the projects described in sub-
19 section (a);

20 (2) if practicable, a description of conditions
21 needed by the Secretary for the Secretary to reau-
22 thorize the projects described in subsection (a).

23 (d) **TREATMENT.**—The report under subsection (b)
24 shall be considered to be a feasibility report for purposes
25 of section 7001 of the Water Resources Reform and Devel-
26 opment Act of 2014 (33 U.S.C. 2282d).

1 **SEC. 2203. ENVIRONMENTAL INFRASTRUCTURE PROJECTS.**

2 Section 219 of the Water Resources Development Act
3 of 1992 (106 Stat. 4835, 113 Stat. 334, 114 Stat. 2763A-
4 219, 121 Stat. 1242, 121 Stat. 1261) is amended—

5 (1) in subsection (f)—

6 (A) in paragraph (25), by striking
7 “\$60,000,000” and inserting “\$90,000,000”;

8 (B) in paragraph (43), by striking
9 “\$35,000,000” and inserting “\$70,000,000”;

10 and

11 (C) by striking paragraph (121) and in-
12 serting the following:

13 “(121) CHARLOTTE COUNTY, FLORIDA.—
14 \$16,000,000 for wastewater infrastructure, Char-
15 lotte County, Florida.”; and

16 (2) by adding at the end the following:

17 “(g) CONSIDERATION OF ADDITIONAL PROJECTS.—

18 The Secretary shall consider and complete an assessment
19 of the following projects:

20 “(1) MACOMB COUNTY, MICHIGAN.—The
21 project for wastewater infrastructure, Macomb
22 County, Michigan.

23 “(2) MILWAUKEE AND SHOREWOOD, WIS-
24 CONSIN.—The project for wastewater infrastructure,
25 Milwaukee and Shorewood, Wisconsin.”.

1 **SEC. 2204. CONDITIONAL REAUTHORIZATION OF ENVIRON-**
2 **MENTAL PROJECTS.**

3 (a) IN GENERAL.—A project described in subsection
4 (b) shall be authorized for each of fiscal years 2019
5 through 2021, if the Secretary receives from the project
6 sponsor a written request for the authorization by not
7 later than 90 days after the date of enactment of this Act.

8 (b) DESCRIPTION OF PROJECTS.—A project referred
9 to in subsection (a) is a project that—

10 (1) is an environmental project, as determined
11 by the Chief of Engineers;

12 (2) is described in section 219(f) of the Water
13 Resources Development Act of 1992 (106 Stat.
14 4835; 113 Stat. 334); and

15 (3) was authorized—

16 (A) pursuant to an amendment to that sec-
17 tion made by section 5158 of the Water Re-
18 sources Development Act of 2007 (121 Stat.
19 1258); and

20 (B) for an amount equal to not more than
21 \$2,000,000 for improvements to water related
22 infrastructure.

23 **SEC. 2205. SENSE OF CONGRESS RELATING TO WEST**
24 **HAVEN, CONNECTICUT.**

25 It is the sense of Congress that, to the maximum ex-
26 tent practicable, the Secretary should prioritize the project

1 for storm damage reduction, West Haven, Connecticut,
2 authorized by section 101 of the River and Harbor Act
3 of 1954 (68 Stat. 1254) and section 3 of the Act of Au-
4 gust 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C.
5 426g).

6 **SEC. 2206. COASTAL TEXAS STUDY.**

7 Notwithstanding any other provision of law, the Sec-
8 retary shall expedite the completion of studies for flood
9 damage reduction, hurricane and storm damage reduction,
10 and ecosystem restoration in the coastal areas of Texas
11 that are identified in the interim report due to be pub-
12 lished in 2018 that describes the tentatively selected plan
13 developed in accordance with section 4091 of the Water
14 Resources Development Act of 2007 (121 Stat. 1187).

15 **Subtitle D—Expedited and**
16 **Modified Studies and Projects**

17 **SEC. 2301. RAHWAY RIVER BASIN FLOOD RISK MANAGE-**
18 **MENT PROJECT.**

19 In accordance with section 1322(b)(2)(B) of the
20 Water Infrastructure Improvements for the Nation Act
21 (130 Stat. 1707), the Secretary shall expedite completion
22 of the report for the project for flood risk management,
23 Rahway River Basin, New Jersey, and, if the Secretary
24 determines that the project is justified in the completed
25 report, proceed directly to project preconstruction, engi-

1 neering, and design in accordance with section 910 of the
2 Water Resources Development Act of 1986 (33 U.S.C.
3 2287).

4 **SEC. 2302. HUDSON-RARITAN ESTUARY COMPREHENSIVE**
5 **RESTORATION PROJECT.**

6 The Secretary shall expedite the completion of the
7 Hudson-Raritan Estuary Comprehensive Restoration
8 Project—

9 (1) in a timely manner; and

10 (2) in accordance with section 1322(b)(2)(C) of
11 the Water Infrastructure Improvements for the Na-
12 tion Act (130 Stat. 1707).

13 **SEC. 2303. CERTAIN PROJECTS IN RHODE ISLAND.**

14 The Secretary shall adhere to the proposed schedules
15 and avoid delays to the extent practicable with respect
16 to—

17 (1) the project for navigation, Providence River,
18 Rhode Island, authorized by the first section of the
19 Act of August 26, 1937 (50 Stat. 845, chapter 832)
20 and section 301 of the River and Harbor Act of
21 1965 (79 Stat. 1089);

22 (2) the feasibility study for the project for
23 coastal storm risk management, Pawcatuck River,
24 Rhode Island, authorized in the matter under the
25 heading “INVESTIGATIONS” under the heading

1 “CORPS OF ENGINEERS—CIVIL” under the heading
2 “DEPARTMENT OF THE ARMY” in title X of
3 division A of the Disaster Relief Appropriations Act,
4 2013 (Public Law 113–2; 127 Stat. 23); and
5 (3) the Rhode Island historical structure flood
6 hazard vulnerability assessment.

7 **SEC. 2304. CEDAR RIVER, IOWA.**

8 The Secretary shall expedite the project for flood risk
9 management at Cedar River, Cedar Rapids, Iowa, author-
10 ized by section 7002(2) of the Water Resources Reform
11 and Development Act of 2014 (128 Stat. 1366).

12 **SEC. 2305. PLYMOUTH HARBOR, MASSACHUSETTS.**

13 The Secretary shall expedite and complete the dredg-
14 ing of Plymouth Harbor, Massachusetts, as authorized by
15 the Act of March 4, 1913 (37 Stat. 802, chapter 144)
16 and the Act of September 22, 1922 (42 Stat. 1038, chap-
17 ter 427), not later than December 31, 2019.

18 **SEC. 2306. BRANDON ROAD STUDY.**

19 The Secretary shall complete a final feasibility report
20 for the Great Lakes Mississippi River Interbasin Study
21 Brandon Road Study, authorized under section 3061(d)
22 of the Water Resources Development Act of 2007 (121
23 Stat. 1121) and section 1538(b)(1) of MAP–21 (Public
24 Law ~~112–141~~; 126 Stat. 586) by the original deadline of
25 February 2019.

1 **SEC. 2307. CENTRAL EVERGLADES PLANNING PROJECT.**

2 The Secretary shall expedite construction of a res-
3 ervoir south of Lake Okeechobee as part of the project
4 for ecosystem restoration in the central Everglades au-
5 thorized by section 1401(4) of the Water Infrastructure
6 Improvements for the Nation Act (130 Stat. 1713).

7 **SEC. 2308. PORTSMOUTH HARBOR AND PISCATAQUA RIVER.**

8 The Secretary shall expedite the project for naviga-
9 tion for Portsmouth Harbor and the Piscataqua River au-
10 thorized by section 101 of the River and Harbor Act of
11 1962 (76 Stat. 1173).

12 **SEC. 2309. BLAIN ROAD FOOTBRIDGE, THOMPSON, CON-**
13 **NECTICUT.**

14 The Secretary shall proceed with the review of design
15 plans for the Blain Road footbridge over West Thompson
16 Lake, Thompson, Connecticut.

17 **SEC. 2310. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.**

18 The Secretary shall comply with section 1185 of the
19 Water Infrastructure Improvements for the Nation Act
20 (130 Stat. 1680) with respect to the Table Rock Lake
21 Master Plan and Table Rock Lake Shoreline Management
22 Plan.

23 **SEC. 2311. MCCOOK RESERVOIR, ILLINOIS.**

24 The Secretary shall consider the project for flood con-
25 trol at McCook Reservoir, Illinois, authorized by section
26 3(a)(5) of the Water Resources Development Act of 1988

1 (102 Stat. 4013; 110 Stat. 3716), a priority for the non-
2 Federal project implementation pilot project under section
3 1043(b) of the Water Resources Reform and Development
4 Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121).
5 **SEC. 2312. BAPTISTE COLLETTE BAYOU STUDY, LOUISIANA.**

6 The Secretary shall expedite the review for the study
7 for navigation and channel deepening, Baptiste Collette
8 Bayou, Louisiana, under section 203 of the Water Re-
9 sources Development Act of 1986 (33 U.S.C. 2231).

10 **SEC. 2313. MORGANZA TO THE GULF, LOUISIANA.**

11 The Secretary shall expedite completion of the project
12 for hurricane and storm damage risk reduction, Morganza
13 to the Gulf, Louisiana, authorized by section 7002(3) of
14 the Water Resources Reform and Development Act of
15 2014 (128 Stat. 1368).

16 **SEC. 2314. LOUISIANA COASTAL AREA.**

17 The Secretary shall expedite completion of the project
18 for environmental restoration, Louisiana Coastal Area,
19 Louisiana, authorized by section 7002(5) of the Water Re-
20 sources Reform and Development Act of 2014 (128 Stat.
21 1370).

22 **SEC. 2315. LOUISIANA COASTAL AREA-BARATARIA BASIN**
23 **BARRIER.**

24 The Secretary shall expedite completion of the project
25 for environmental restoration, Louisiana Coastal Area–

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1 Barataria Basin Barrier, Louisiana, authorized by section
2 7002(5) of the Water Resources Reform and Development
3 Act of 2014 (128 Stat. 1370).

4 **SEC. 2316. WEST SHORE LAKE PONTCHARTRAIN, LOU-**
5 **ISIANA.**

6 The Secretary shall expedite completion of the project
7 for hurricane and storm damage risk reduction, West
8 Shore Lake Pontchartrain, Louisiana, authorized by sec-
9 tion 1401(3) of the Water Infrastructure Improvements
10 for the Nation Act (130 Stat. 1712).

11 **SEC. 2317. SOUTHWEST COASTAL LOUISIANA.**

12 The Secretary shall expedite completion of the project
13 for hurricane and storm damage risk reduction and eco-
14 system restoration, Southwest Coastal Louisiana, Lou-
15 isiana, authorized by section 1401(8) of the Water Infra-
16 structure Improvements for the Nation Act (130 Stat.
17 1715).

18 **SEC. 2318. NEW YORK-NEW JERSEY HARBOR AND TRIBU-**
19 **TARIES FEASIBILITY STUDY.**

20 Not later than 90 days after the date of enactment
21 of this Act, the Secretary shall complete the New York-
22 New Jersey Harbor and Tributaries Focus Area Feasi-
23 bility Study authorized by the first section of the Act of
24 June 15, 1955 (69 Stat. 132, chapter 140).

1 **SEC. 2319. LOWER BRULE SHORELINE STABILIZATION**
2 **PROJECT.**

3 (a) **IN GENERAL.**—The Secretary shall carry out a
4 project for shoreline stabilization on the Lower Brule Res-
5 ervation, South Dakota, pursuant to section 203 of the
6 Water Resources Development Act of 2000 (33 U.S.C.
7 2269).

8 (b) **FEDERAL SHARE.**—The Federal share of the cost
9 of each separable element of the project described in sub-
10 section (a) may not exceed \$10,000,000.

11 **SEC. 2320. HAMPTON HARBOR, NEW HAMPSHIRE, NAVIGA-**
12 **TION IMPROVEMENT PROJECT.**

13 In carrying out the project for navigation, Hampton
14 Harbor, New Hampshire, under section 107 of the River
15 and Harbor Act of 1960 (33 U.S.C. 577), the Secretary
16 shall use all existing authorities of the Secretary to miti-
17 gate severe shoaling.

18 **SEC. 2321. NEW JERSEY AND DELAWARE BACK BAYS COAST-**
19 **AL STORM RISK MANAGEMENT.**

20 Notwithstanding section 1001(a)(1) of the Water Re-
21 sources Reform and Development Act of 2014 (33 U.S.C.
22 2282c(a)(1)), the final feasibility report for coastal storm
23 management, back bays, New Jersey and Delaware, shall
24 be completed by the date that is not later than 6 years
25 after the date of initiation of the feasibility study for the
26 project.

1 **SEC. 2322. MINNESOTA LOCKS AND DAMS DIVESTMENT**
2 **STUDY.**

3 (a) **EXPEDITED COMPLETION.**—The Secretary shall
4 expedite completion of the study with respect to the dives-
5 titure of the locks and dams of the Secretary in Minnesota
6 in the St. Paul district of the Corps of Engineers.

7 (b) **REPORTS.**—The Secretary may produce a sepa-
8 rate report for each lock and dam described in subsection
9 (a) describing the result of the study described in that sub-
10 section.

11 (c) **PARTIAL DIVESTITURE.**—The Secretary shall in-
12 clude in the report describing the result of the study de-
13 scribed in subsection (a)—

14 (1) an examination of the possibility of the par-
15 tial divestiture of the Secretary from the locks and
16 dams described in that subsection;

17 (2) an examination of possible changes to the
18 use of those locks and dams; and

19 (3) a plan to expedite divestiture of those locks
20 and dams.

21 (d) **CONTRIBUTED FUNDS.**—The Secretary may ac-
22 cept and expend funds to carry out the study described
23 in subsection (a) that are contributed by a State or a polit-
24 ical subdivision of a State under the Act of October 15,
25 1940 (54 Stat. 1176, chapter 884; 33 U.S.C. 701–1).

1 **SEC. 2323. HOUMA NAVIGATION CANAL, LOUISIANA.**

2 The Secretary shall expedite the review for the study
3 for navigation and channel deepening, Houma Navigation
4 Canal, Louisiana, authorized by section 1001(24)(B) of
5 the Water Resources Development Act of 2007 (121 Stat.
6 1053), under section 203 of the Water Resources Develop-
7 ment Act of 1986 (33 U.S.C. 2231).

8 **TITLE III—PRIMARY CORPS OF**
9 **ENGINEERS ACTIVITIES**
10 **Subtitle A—Continuing Authorities**
11 **Programs**

12 **SEC. 3001. CORPS OF ENGINEERS CONTINUING AUTHORI-**
13 **TIES PROGRAM.**

14 (a) STORM AND HURRICANE RESTORATION AND IM-
15 PACT MINIMIZATION PROGRAM.—Section 3(c) of the Act
16 of August 13, 1946 (60 Stat. 1056, chapter 960; 33
17 U.S.C. 426g(c)) is amended—

18 (1) in paragraph (1), by striking
19 “\$30,000,000” and inserting “\$45,000,000”; and
20 (2) in paragraph (2)(B), by striking
21 “\$10,000,000” and inserting “\$15,000,000”.

22 (b) SMALL RIVER AND HARBOR IMPROVEMENT
23 PROJECTS.—Section 107 of the River and Harbor Act of
24 1960 (33 U.S.C. 577) is amended—

25 (1) in subsection (a), by striking
26 “\$50,000,000” and inserting “\$62,500,000”; and

1 (2) in subsection (b), by striking
2 “\$10,000,000” and inserting “\$12,500,000”.

3 (c) SHORE DAMAGE PREVENTION OR MITIGATION.—
4 Section 111 of the River and Harbor Act of 1968 (33
5 U.S.C. 426i) is amended—

6 (1) in subsection (c), by striking “\$10,000,000”
7 and inserting “\$15,000,000”; and

8 (2) by adding at the end the following:

9 “(f) CERTAIN PROJECTS.—Subject to the availability
10 of appropriations, in the case of a project under this sec-
11 tion that, on the date of enactment of the America’s Water
12 Infrastructure Act of 2018, is authorized to be carried out
13 at a cost greater than \$10,000,000, the Secretary may
14 provide to the project an increase in funding equal to the
15 lesser of—

16 “(1) 50 percent of the authorized amount; and

17 “(2) \$5,000,000.”.

18 (d) REGIONAL SEDIMENT MANAGEMENT.—Section
19 204 of the Water Resources Development Act of 1992 (33
20 U.S.C. 2326) is amended—

21 (1) in subsection (c)(1)(C), by striking
22 “\$10,000,000” and inserting “\$12,500,000”; and

23 (2) in subsection (g), in the first sentence, by
24 striking “\$50,000,000” and inserting
25 “\$62,500,000”.

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1 (e) SMALL FLOOD CONTROL PROJECTS.—Section
2 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)
3 is amended—

4 (1) in the first sentence, by striking
5 “\$55,000,000” and inserting “\$82,500,000”; and

6 (2) in the third sentence, by striking
7 “\$10,000,000” and inserting “\$15,000,000”.

8 (f) AQUATIC ECOSYSTEM RESTORATION.—Section
9 206 of the Water Resources Development Act of 1996 (33
10 U.S.C. 2330) is amended—

11 (1) in subsection (a), by adding at the end the
12 following:

13 “(3) REQUIREMENT.—In carrying out projects
14 under this section, the Secretary shall carry out—

15 “(A) not less than 2 projects in areas with
16 a population of 80,000 or less; and

17 “(B) not less than 2 projects in areas with
18 a population of 2,500,000 or more.”;

19 (2) in subsection (d), by striking
20 “\$10,000,000” and inserting “\$12,500,000”; and

21 (3) in subsection (e), by striking “\$50,000,000”
22 and inserting “\$62,500,000”.

23 (g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF
24 ENVIRONMENT.—

1 (1) IN GENERAL.—Section 1135 of the Water
2 Resources Development Act of 1986 (33 U.S.C.
3 2309a) is amended—

4 (A) in subsection (d), in the third sentence,
5 by striking “\$10,000,000” and inserting
6 “\$15,000,000”;

7 (B) in subsection (h), by striking
8 “\$40,000,000” and inserting “\$60,000,000”;

9 (C) by redesignating subsections (h) and
10 (i) as subsections (i) and (j), respectively; and

11 (D) by inserting after subsection (g) the
12 following:

13 “(h) PRIORITIZATION OF CERTAIN PROJECTS.—In
14 carrying out activities under this section in the Upper Mis-
15 souri River Basin, the Secretary shall give priority to
16 projects within that area that restore degraded ecosystems
17 through modification of existing flood risk management
18 projects.”.

19 (2) CONFORMING AMENDMENT.—Section
20 4014(c)(1) of the Water Resources Reform and De-
21 velopment Act of 2014 (33 U.S.C. 2803a(c)(1)) is
22 amended by striking subparagraph (B) and inserting
23 the following:

24 “(B) Section 1135 of the Water Resources
25 Development Act of 1986 (33 U.S.C. 2309a).”.

1 (h) EMERGENCY STREAMBANK AND SHORELINE
2 PROTECTION.—Section 14 of the Flood Control Act of
3 1946 (33 U.S.C. 701r) is amended—

4 (1) by striking “\$20,000,000” and inserting
5 “\$25,000,000”;

6 (2) by striking “\$5,000,000” and inserting
7 “\$7,500,000”; and

8 (3) by striking “one fiscal year.” and inserting
9 the following: “1 fiscal year: *Provided further*, That
10 the Secretary shall give priority to areas that are re-
11 covering from significant high water levels or flood-
12 ing that occurred within the 24-month period ending
13 on the date on which the Secretary makes an allot-
14 ment under this section.”.

15 **SEC. 3002. SENSE OF CONGRESS RELATING TO CON-**
16 **TINUING AUTHORITIES PROGRAM.**

17 It is the sense of Congress that for each fiscal year,
18 there should be made available to the Secretary the full
19 amount of appropriations to carry out the continuing au-
20 thorities program, which consists of—

21 (1) section 14 of the Flood Control Act of 1946
22 (33 U.S.C. 701r);

23 (2) section 3 of the Act of August 13, 1946 (60
24 Stat. 1056, chapter 960; 33 U.S.C. 426g);

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1 (3) section 107 of the River and Harbor Act of
2 1960 (33 U.S.C. 577);

3 (4) section 111 of the River and Harbor Act of
4 1968 (33 U.S.C. 426i);

5 (5) section 204 of the Water Resources Devel-
6 opment Act of 1992 (33 U.S.C. 2326);

7 (6) section 205 of the Flood Control Act of
8 1948 (33 U.S.C. 701s);

9 (7) section 206 of the Water Resources Devel-
10 opment Act of 1996 (33 U.S.C. 2330);

11 (8) section 2 of the Act of August 28, 1937 (50
12 Stat. 877, chapter 877; 33 U.S.C. 701g); and

13 (9) section 1135 of the Water Resources Devel-
14 opment Act of 1986 (33 U.S.C. 2309a).

15 **SEC. 3003. REPORT RELATING TO AVAILABILITY OF**
16 **PRIORITIZED CAP PROJECTS.**

17 As soon as practicable after the date of enactment
18 of this Act, the Secretary shall publish in the Federal Reg-
19 ister and on a publicly available website the prioritization
20 criteria and the annual report required under paragraphs
21 (2) and (3), respectively, of section 1030(a) of the Water
22 Resources Reform and Development Act of 2014 (33
23 U.S.C. 400).

1 **Subtitle B—Navigation**

2 **PART I—INLAND WATERWAYS**

3 **SEC. 3101. GAO STUDY ON NAVIGATION AND ECOSYSTEM**
4 **SUSTAINABILITY PROGRAM.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Comptroller General of the United States
7 shall—

8 (1) complete a study on the implementation of
9 the navigation and ecosystem sustainability program
10 under title VIII of the Water Resources Develop-
11 ment Act of 2007 (33 U.S.C. 652 note; Public Law
12 110–114); and

13 (2) submit to Congress a report on the results
14 of the study under paragraph (1), including a de-
15 scription of the obstacles that must be removed to
16 implement the program expeditiously.

17 **SEC. 3102. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
18 **TION SYSTEM.**

19 (a) IN GENERAL.—For the purposes of project con-
20 tinuation, prior funding for the McClellan-Kerr Arkansas
21 River Navigation System, 12-foot channel, from appro-
22 priations Acts enacted prior to 2009 shall be deemed to
23 have come from construction-related accounts, not oper-
24 ations and maintenance accounts.

111

1 (b) SAVINGS PROVISION.—Nothing in this section al-
2 ters the existing prioritization for Inland Waterway Trust
3 Fund activities.

4 **PART II—PORTS AND HARBORS**

5 **SEC. 3111. BEACH RENOURISHMENT AND SHORELINE PRO-**
6 **TECTION DEMONSTRATION PROGRAM.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of enactment of this Act, the Secretary shall establish
9 a demonstration program (referred to in this section as
10 the “demonstration program”) to carry out not more than
11 5 projects for beach renourishment and shoreline protec-
12 tion along the Mid-Atlantic coast.

13 (b) PROJECT SELECTION.—The Secretary shall con-
14 sult with relevant State agencies in selecting projects
15 under the demonstration program.

16 (c) CRITERIA.—The Secretary shall establish criteria
17 and other considerations for implementation of the dem-
18 onstration program that—

19 (1) foster Federal, State, and local collabora-
20 tion;

21 (2) evaluate the performance of project assets
22 within a system that yield system-wide benefits with-
23 in individual or multiple States; and

24 (3) include other criteria and considerations
25 that the Secretary determines to be appropriate.

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1 (d) COST-SHARING.—Projects carried out under the
2 demonstration program shall be subject to the cost-shar-
3 ing requirements otherwise applicable to beach renourish-
4 ment and shoreline protection projects.

5 (e) REPORT.—Not later than 1 year after the date
6 of enactment of this Act, and annually thereafter, the Sec-
7 retary shall submit to the Committee on Environment and
8 Public Works of the Senate and the Committee on Trans-
9 portation and Infrastructure of the House of Representa-
10 tives a report that includes findings and recommendations
11 of the Secretary with respect to the projects completed
12 under the demonstration program.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$75,000,000, to remain available until expended.

16 (g) TERMINATION.—The demonstration program
17 shall terminate after completion of all projects carried out
18 pursuant to subsection (a).

19 **SEC. 3112. AUTHORIZATION OF APPROPRIATIONS FOR PUR-**
20 **CHASE OF MAT SINKING UNIT.**

21 There is authorized to be appropriated to the Sec-
22 retary \$125,000,000 for the purchase of a mat sinking
23 unit.

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1 **SEC. 3113. MAT SINKING UNIT.**

2 It is the sense of Congress that, in considering the
3 least cost alternative for purchasing a mat sinking unit,
4 the Corps of Engineers should consider entering into a
5 lease to purchase.

6 **SEC. 3114. SENSE OF CONGRESS RELATING TO KENNEBEC**
7 **RIVER FEDERAL NAVIGATION CHANNEL.**

8 It is the sense of Congress that periodic maintenance
9 dredging of the Federal navigation channel in the Ken-
10 nebec River, Maine, should be prioritized, based on a joint
11 plan developed by the Secretary and the Secretary of the
12 Navy.

13 **SEC. 3115. SENSE OF CONGRESS RELATING TO WIL-**
14 **MINGTON HARBOR DREDGING.**

15 It is the sense of Congress that the Secretary should
16 prioritize annual dredging for Wilmington Harbor, Dela-
17 ware.

18 **SEC. 3116. PORT OF ARLINGTON.**

19 The Secretary shall reimburse the Port of Arlington,
20 Gillam County, Oregon, not more than \$3,200,000, for the
21 costs incurred by the Port of Arlington for construction
22 and other expenses for the project described in the matter
23 under the heading "REGULATORY PROGRAM" under the
24 heading "CORPS OF ENGINEERS—CIVIL" under the head-
25 ing "DEPARTMENT OF THE ARMY" under the head-
26 ing of "DEPARTMENT OF DEFENSE—CIVIL" in

1 title I of division C of the Omnibus Appropriations Act,
2 2009 (Public Law 111–8; 123 Stat. 604), as authorized
3 under that provision.

4 **SEC. 3117. PEARL RIVER BASIN DEMONSTRATION PRO-**
5 **GRAM.**

6 (a) **DEFINITION OF ENVIRONMENTAL IMPACT**
7 **STATEMENT.**—In this section, the term “environmental
8 impact statement” means the detailed written statement
9 required under section 102(2)(C) of the National Environ-
10 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

11 (b) **DEMONSTRATION PROGRAM.**—The Secretary
12 shall establish a demonstration program to allow a project
13 authorized by section 211 of the Water Resources Devel-
14 opment Act of 1996 (33 U.S.C. 701b–13) (as in effect
15 on the day before the date of enactment of the Water Re-
16 sources Reform and Development Act of 2014 (128 Stat.
17 1193)) to begin preliminary engineering and design after
18 the completion of a feasibility study and an environmental
19 impact statement for the project.

20 (c) **REQUIREMENTS.**—For each project authorized to
21 begin preliminary engineering and design under subsection
22 (b)—

23 (1) the project shall conform to the feasibility
24 study approved by the headquarters office of the

1 Corps of Engineers and the environmental impact
2 statement for the project; and

3 (2) the Secretary and the non-Federal sponsor
4 shall jointly agree to the construction design of the
5 project.

6 (d) REPAYMENT.—If a project authorized to begin
7 preliminary engineering and design under subsection (b)
8 does not receive a favorable final decision document, the
9 non-Federal sponsor of the project shall repay any funds
10 provided under this section for the project.

11 (e) SUNSET.—The authority to carry out the dem-
12 onstration program under this section shall terminate on
13 the date that is 5 years after the date of enactment of
14 this Act.

15 **SEC. 3118. EXPEDITED INITIATION.**

16 Section 1322(b)(2) of the Water Infrastructure Im-
17 provements for the Nation Act (130 Stat. 1707) is amend-
18 ed in the matter preceding subparagraph (A) by striking
19 “if the Secretary” and all that follows through “2287)”
20 and inserting “once the general reevaluation report for the
21 project has been submitted for approval, shall immediately
22 initiate preconstruction engineering and design for the
23 project”.

1 **SEC. 3119. BENEFICIAL USE OF DREDGED SEDIMENT.**

2 Notwithstanding any other provision of law, in the
3 case of a project for beach nourishment, the easement for
4 the project shall be for a period—

5 (1) agreed to by the Secretary and the non-
6 Federal interest; and

7 (2) not less than 100 percent of the anticipated
8 lifecycle of the project and not more than 200 per-
9 cent of the anticipated lifecycle of the project.

10 **SEC. 3120. RULE FOR BEACH NOURISHMENT AND SHORE-**
11 **LINE PROTECTION PROJECTS.**

12 Notwithstanding any other provision of law, in the
13 case of a project for beach nourishment or shoreline pro-
14 tection, with respect to the benefit-cost analysis for the
15 project, the Secretary shall proceed with the project if the
16 benefits of the project are equal to or greater than the
17 costs of the project.

18 **PART III—MISCELLANEOUS PROVISIONS**

19 **SEC. 3121. REPORT ON DEBRIS REMOVAL.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Secretary shall submit to Congress and
22 make publicly available a report that describes—

23 (1) the extent to which the Secretary has car-
24 ried out section 3 of the Act of March 2, 1945 (59
25 Stat. 23, chapter 19; 33 U.S.C. 603a);

1 (2) how the Secretary has evaluated potential
2 projects to be carried out under that section; and
3 (3) recommendations for the establishment of a
4 pilot program to improve the implementation of that
5 section.

6 **SEC. 3122. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

7 Section 113 of the Energy and Water Development
8 and Related Agencies Appropriations Act, 2014 (Public
9 Law 113–76; 128 Stat. 158) is amended by striking “for
10 5 years after the date of enactment of this Act” and in-
11 serting “until December 31, 2021”.

12 **SEC. 3123. DELAWARE RIVER NAVIGATION PROJECT.**

13 Section 1131(3) of the Water Resources Development
14 Act of 1986 (100 Stat. 4246) is amended by striking “ten
15 feet” and inserting “35 feet”.

16 **SEC. 3124. SENSE OF CONGRESS RELATING TO EROSION ON**

17 **THE BANKS OF THE OHIO RIVER NEAR**
18 **CLARKSVILLE, INDIANA.**

19 It is the sense of Congress that the Secretary should
20 use the authority provided to the Secretary under section
21 9 of the Flood Control Act of 1946 (60 Stat. 643, chapter
22 596) to address erosion issues on the Ohio River near
23 Clarksville, Indiana.

1 **Subtitle C—Locks, Dams, Levees,**
2 **and Dikes**

3 **SEC. 3201. CERTAIN LEVEE IMPROVEMENTS.**

4 (a) IN GENERAL.—In the case of a levee described
5 in subsection (b), the Secretary is encouraged to cooperate
6 to the maximum extent practicable with non-Federal spon-
7 sors to implement necessary improvements to the levee.

8 (b) LEVEES DESCRIBED.—A levee referred to in sub-
9 section (a) is a levee that is—

10 (1) owned, operated, and maintained by the
11 Secretary; and

12 (2) hydraulically tied to a community-owned
13 levee that is not accredited by the Federal Emer-
14 gency Management Agency in accordance with sec-
15 tion 65.10 of title 44, Code of Federal Regulations
16 (or successor regulations).

17 **SEC. 3202. REHABILITATION OF CORPS OF ENGINEERS**
18 **CONSTRUCTED DAMS.**

19 Section 1177 of the Water Infrastructure Improve-
20 ments for the Nation Act (33 U.S.C. 467f–2 note; Public
21 Law 114–322) is amended—

22 (1) in subsection (e), by striking “\$10,000,000”
23 and inserting “\$40,000,000”; and

24 (2) in subsection (f), by striking “\$10,000,000”
25 and inserting “\$40,000,000”.

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1 **SEC. 3203. NON-FEDERAL DAMS.**

2 The Secretary may accept and expend funds from an
3 owner of a non-Federal dam for the review and revision
4 of water operations manuals and flood control curves if
5 the Secretary regulates the non-Federal facilities associ-
6 ated with the non-Federal dam under section 7 of the Act
7 of December 22, 1944 (commonly known as the “Flood
8 Control Act of 1944”) (58 Stat. 890, chapter 665; 33
9 U.S.C. 709).

10 **SEC. 3204. REAUTHORIZATION OF NATIONAL DAM SAFETY**
11 **PROGRAM ACT.**

12 Section 14 of the National Dam Safety Program Act
13 (33 U.S.C. 467j) is amended by striking “for each of fiscal
14 years 2015 through 2019” each place it appears and in-
15 serting “for each of fiscal years 2015 through 2021”.

16 **SEC. 3205. SENSE OF CONGRESS RELATING TO IMPLEMEN-**
17 **TATION GUIDANCE FOR DAM SAFETY REPAIR**
18 **PROJECTS.**

19 It is the sense of Congress that the Secretary should
20 expeditiously issue guidance as required under section
21 1139 of the Water Infrastructure Improvements for the
22 Nation Act (33 U.S.C. 467n note; Public Law 114–322).

1 **SEC. 3206. REAUTHORIZATION OF NATIONAL LEVEE SAFE-**
2 **TY PROGRAM.**

3 (a) **LEVEE SAFETY INITIATIVE.**—Section 9005 of the
4 Water Resources Development Act of 2007 (33 U.S.C.
5 3303a) is amended—

6 (1) in subsection (c), by adding at the end the
7 following:

8 “(6) **UPDATES.**—Not later than 1 year after
9 the date of enactment of the America’s Water Infra-
10 structure Act of 2018, the Secretary shall update
11 the guidelines issued under paragraph (1) in accord-
12 ance with this subsection.”;

13 (2) in subsection (g)—

14 (A) in paragraph (1), by adding at the end
15 the following:

16 “(D) **UPDATE.**—Not later than 1 year
17 after the date of enactment of the America’s
18 Water Infrastructure Act of 2018, the Sec-
19 retary shall update the guidelines issued under
20 subparagraph (A) in accordance with this para-
21 graph.”; and

22 (B) in paragraph (2)(E)(i), by striking
23 “for each of fiscal years 2015 through 2019”
24 and inserting “for each of fiscal years 2015
25 through 2021”; and

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1 (3) in subsection (h)(3), by adding at the end
2 the following:

3 “(F) UPDATE.—Not later than 1 year
4 after the date of enactment of the America’s
5 Water Infrastructure Act of 2018, the Sec-
6 retary shall update the guidelines issued under
7 subparagraph (D).”.

8 (b) REPORTS.—Section 9006 of the Water Resources
9 Development Act of 2007 (33 U.S.C. 3303b) is amend-
10 ed—

11 (1) in subsection (b), by inserting “, and not
12 later than 1 year after the date of enactment of the
13 America’s Water Infrastructure Act of 2018,” after
14 “this subsection,”;

15 (2) in subsection (c), in the matter preceding
16 paragraph (1), by inserting “, and not later than 1
17 year after the date of enactment of the America’s
18 Water Infrastructure Act of 2018,” after “Water
19 Resources Development Act of 2016,”; and

20 (3) in subsection (d), in the matter preceding
21 paragraph (1), by inserting “, and not later than 1
22 year after the date of enactment of the America’s
23 Water Infrastructure Act of 2018,” after “Water
24 Resources Development Act of 2016,”.

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1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 9008 of the Water Resources Development Act of 2007
3 (33 U.S.C. 3305) is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “is” and inserting “are”; and

6 (2) by striking “for each of fiscal years 2015
7 through 2019” each place it appears and inserting
8 “for each of fiscal years 2015 through 2021”.

9 **SEC. 3207. REAUTHORIZATION OF LOCK OPERATIONS**
10 **PILOT PROGRAM.**

11 Section 1017(f) of the Water Resources Reform and
12 Development Act of 2014 (33 U.S.C. 2212 note; Public
13 Law 113–121) is amended by striking “5 years” and in-
14 serting “10 years”.

15 **SEC. 3208. RESTRICTED AREAS AT CORPS OF ENGINEERS**
16 **DAMS.**

17 Section 2 of the Freedom to Fish Act (Public Law
18 113–13; 127 Stat. 449, 128 Stat. 1271) is amended by
19 striking “4 years after the date of enactment of the Water
20 Resources Reform and Development Act of 2014” each
21 place it appears and inserting “5 years after the date of
22 enactment of the America’s Water Infrastructure Act of
23 2018”.

1 **SEC. 3209. CERTAIN BUREAU OF RECLAMATION DIKES.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law (including regulations), effective beginning on
4 the date of enactment of this Act, the Federal share of
5 the operations and maintenance costs of a dike described
6 in subsection (b) shall be 100 percent.

7 (b) DESCRIPTION OF DIKES.—A dike referred to in
8 subsection (a) is a dike—

9 (1) that is owned by the Bureau of Reclamation
10 on the date of enactment of this Act;

11 (2) the construction of which was completed not
12 later than December 31, 1945; and

13 (3) a corrective action study for which was com-
14 pleted not later than December 31, 2015.

15 **SEC. 3210. REHABILITATION OF HIGH-HAZARD POTENTIAL**
16 **DAMS.**

17 Section 8A of the National Dam Safety Program Act
18 (33 U.S.C. 467f–2) is amended by striking subsection (e)
19 and inserting the following:

20 “(e) EMERGENCY ACTION PLANS.—

21 “(1) IN GENERAL.—As a condition of receipt of
22 assistance under this section, the non-Federal spon-
23 sor shall demonstrate that an emergency action plan
24 is in place to protect the safety of persons and prop-
25 erty in the area potentially affected by a breach of
26 the dam.

1 “(2) INCLUSIONS.—An emergency action plan
2 under paragraph (1) shall address—

3 “(A) incident detection, evaluation, and
4 emergency level determination;

5 “(B) notification and communication;

6 “(C) emergency actions;

7 “(D) termination and follow-up; and

8 “(E) public education and awareness of
9 the emergency action plan.”.

10 **SEC. 3211. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
11 **PROJECTS.**

12 In any case in which the Secretary has assumed, as
13 of the date of enactment of this Act, responsibility for the
14 maintenance of a project classified as class III under the
15 Dam Safety Action Classification of the Corps of Engi-
16 neers, the Secretary shall continue to be responsible for
17 the maintenance of that project until the earlier of—

18 (1) the date on which the project is modified to
19 reduce that risk and the Secretary determines that
20 the project is no longer classified as class III under
21 the Dam Safety Action Classification of the Corps of
22 Engineers; and

23 (2) the date that is 15 years after the date of
24 enactment of this Act.

1 **Subtitle D—Water Supply**

2 **SEC. 3301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY**
3 **OF FONTENELLE RESERVOIR AVAILABLE**
4 **FOR USE.**

5 (a) IN GENERAL.—The Secretary of the Interior (re-
6 ferred to in this section as the “Secretary”), in coopera-
7 tion with the State of Wyoming, may amend the Definite
8 Plan Report for the Seedskaadee Project authorized under
9 the first section of the Act of April 11, 1956 (commonly
10 known as the “Colorado River Storage Project Act”) (43
11 U.S.C. 620), to provide for the study, design, planning,
12 and construction activities that will enable the use of all
13 active storage capacity (as may be defined or limited by
14 legal, hydrologic, structural, engineering, economic, and
15 environmental considerations) of Fontenelle Dam and
16 Reservoir, including the placement of sufficient riprap on
17 the upstream face of Fontenelle Dam to allow the active
18 storage capacity of Fontenelle Reservoir to be used for
19 those purposes for which the Seedskaadee Project was au-
20 thorized.

21 (b) COOPERATIVE AGREEMENTS.—

22 (1) IN GENERAL.—The Secretary may enter
23 into any contract, grant, cooperative agreement, or
24 other agreement that is necessary to carry out sub-
25 section (a).

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1 (2) STATE OF WYOMING.—

2 (A) IN GENERAL.—The Secretary shall
3 enter into a cooperative agreement with the
4 State of Wyoming to work in cooperation and
5 collaboratively with the State of Wyoming for
6 planning, design, related preconstruction activi-
7 ties, and construction of any modification of the
8 Fontenelle Dam under subsection (a).

9 (B) REQUIREMENTS.—The cooperative
10 agreement under subparagraph (A) shall, at a
11 minimum, specify the responsibilities of the
12 Secretary and the State of Wyoming with re-
13 spect to—

14 (i) completing the planning and final
15 design of the modification of the
16 Fontenelle Dam under subsection (a);

17 (ii) any environmental and cultural re-
18 source compliance activities required for
19 the modification of the Fontenelle Dam
20 under subsection (a) including compliance
21 with—

22 (I) the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4321
24 et seq.);

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1 (II) the Endangered Species Act
2 of 1973 (16 U.S.C. 1531 et seq.); and
3 (III) subdivision 2 of division A
4 of subtitle III of title 54, United
5 States Code; and
6 (iii) the construction of the modifica-
7 tion of the Fontenelle Dam under sub-
8 section (a).

9 (c) FUNDING BY STATE OF WYOMING.—Pursuant to
10 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
11 43 U.S.C. 395), and as a condition of providing any addi-
12 tional storage under subsection (a), the State of Wyoming
13 shall provide to the Secretary funds for any work carried
14 out under subsection (a).

15 (d) OTHER CONTRACTING AUTHORITY.—

16 (1) IN GENERAL.—The Secretary may enter
17 into contracts with the State of Wyoming, on such
18 terms and conditions as the Secretary and the State
19 of Wyoming may agree, for division of any addi-
20 tional active capacity made available under sub-
21 section (a).

22 (2) TERMS AND CONDITIONS.—Unless other-
23 wise agreed to by the Secretary and the State of
24 Wyoming, a contract entered into under paragraph
25 (1) shall be subject to the terms and conditions of

1 Bureau of Reclamation Contract No. 14-06-400-
2 2474 and Bureau of Reclamation Contract No. 14-
3 06-400-6193.

4 (e) SAVINGS PROVISIONS.—Unless expressly provided
5 in this section, nothing in this section modifies, conflicts
6 with, preempts, or otherwise affects—

7 (1) the Boulder Canyon Project Act (43 U.S.C.
8 617 et seq.);

9 (2) the Colorado River Compact of 1922, as ap-
10 proved by the Presidential Proclamation of June 25,
11 1929 (46 Stat. 3000);

12 (3) the Boulder Canyon Project Adjustment Act
13 (43 U.S.C. 618 et seq.);

14 (4) the Treaty between the United States of
15 America and Mexico relating to the utilization of
16 waters of the Colorado and Tijuana Rivers and of
17 the Rio Grande, and supplementary protocol signed
18 November 14, 1944, signed at Washington February
19 3, 1944 (59 Stat. 1219);

20 (5) the Upper Colorado River Basin Compact
21 as consented to by the Act of April 6, 1949 (63
22 Stat. 31);

23 (6) the Act of April 11, 1956 (commonly known
24 as the “Colorado River Storage Project Act”) (43
25 U.S.C. 620 et seq.);

1 (7) the Colorado River Basin Project Act (Pub-
2 lic Law 90-537; 82 Stat. 885); or

3 (8) any State of Wyoming or other State water
4 law.

5 **SEC. 3302. PRICING OF WATER STORAGE CONTRACTS.**

6 Section 7 of the Flood Control Act of 1944 (33
7 U.S.C. 709) is amended—

8 (1) by striking “such regulations: *Provided*,
9 That this section” and inserting the following:
10 “those regulations.

11 “(2) EXCEPTION.—This subsection”; and

12 (2) by striking the section designation and all
13 that follows through “It shall be the duty of the Sec-
14 retary of the Army to” and inserting the following:

15 **“SEC. 7. WATER STORAGE.**

16 **“(a) PRICING OF CONTRACTS.—**

17 **“(1) IN GENERAL.—**Subject to paragraph (2),
18 the Secretary of the Army shall price each water
19 storage contract entered into by the Secretary at fair
20 market value.

21 **“(2) FAIR MARKET VALUE REQUIREMENT.—**

22 For purposes of paragraph (1), the fair market
23 value of a water storage contract shall not exceed
24 110 percent of the lowest-contracted price at any fa-
25 cility of the Corps of Engineers located within 50

1 miles of the water source covered by the contract, as
2 adjusted for inflation.

3 “(b) FLOOD CONTROL AND NAVIGATION.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary of the Army shall”.

6 **SEC. 3303. REPORT ON WATER SUPPLY CONTRACT, WRIGHT**
7 **PATMAN LAKE, TEXAS.**

8 Not later than June 30, 2019, the Secretary shall
9 submit to Congress a report on the status of the imple-
10 mentation of the water supply contract, Department of the
11 Army, Civil Works Contract No. 29-68-A-0130, at Wright
12 Patman Lake, Texas, that—

13 (1) describes the accomplishments or failures
14 relating to the implementation of that contract at
15 Wright Patman Lake;

16 (2) identifies—

17 (A) the activities that the Secretary ex-
18 pects to be necessary to complete the execution
19 of the contract;

20 (B) the expected completion date for each
21 activity identified under subparagraph (A); and

22 (C) the expected execution date of the con-
23 tract; and

1 (3) describes any adjustments to the timeline
2 for completion of the execution of the contract that
3 the Secretary determines to be necessary.

4 **SEC. 3304. SENSE OF CONGRESS RELATING TO WRIGHT**
5 **PATMAN LAKE, SULPHUR RIVER BASIN,**
6 **TEXAS.**

7 It is the sense of Congress that the Secretary should
8 implement the Department of the Army, Civil Works Con-
9 tract No. 29-68-A-0130, at Wright Patman Lake, Texas,
10 in an expeditious manner and in accordance with all appli-
11 cable Federal and State water laws, including through the
12 acceptance and expenditure of funds contributed by a non-
13 Federal interest for any study required by law.

14 **SEC. 3305. CITY RESERVOIR EXPANSION PILOT PROGRAM.**

15 (a) **IN GENERAL.**—The Secretary shall establish a
16 pilot program to expedite review of applications described
17 in subsection (b).

18 (b) **APPLICATIONS DESCRIBED.**—An application re-
19 ferred to in subsection (a) is an application for a permit
20 from the Secretary—

21 (1) to expand a reservoir for which not less
22 than 80 percent of the water rights are for commu-
23 nity drinking water supplies in order to accommo-
24 date projected water supply needs of a city with a
25 population of less than 80,000; and

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1 (2) from a city in which—

2 (A) any portion of the water resources
3 available to the community are polluted by
4 chemicals used at a formerly used defense site
5 under the jurisdiction of the Department of De-
6 fense that is undergoing (or is scheduled to un-
7 dergo) environmental remediation under chap-
8 ter 160 of title 10, United States Code; and

9 (B) mitigation of the pollution described in
10 subparagraph (A) is ongoing.

11 (c) SUNSET.—The authority to carry out the pilot
12 program under this section shall terminate on the date
13 that is 10 years after the date of enactment of this Act.

14 **SEC. 3306. SENSE OF CONGRESS RELATING TO WATER-RE-**
15 **LATED INFRASTRUCTURE IN IDAHO, MON-**
16 **TANA, RURAL NEVADA, NEW MEXICO, RURAL**
17 **UTAH, AND WYOMING.**

18 It is the sense of Congress that appropriations au-
19 thorized by section 595(i) of the Water Resources Devel-
20 opment Act of 1999 (113 Stat. 384; 128 Stat. 1316; 130
21 Stat. 1681) should be maintained at an amount not less
22 than \$75,000,000.

1 **SEC. 3307. GROUNDWATER AND WELL WATER TESTING AND**
2 **TREATMENT PROGRAM.**

3 (a) IN GENERAL.—The Secretary shall carry out a
4 program to carry out the eligible projects described in sub-
5 section (b).

6 (b) ELIGIBLE PROJECTS DESCRIBED.—An eligible
7 project referred to in subsection (a) is a project located—

8 (1)(A) in a disadvantaged community (as de-
9 fined in section 1452(d) of the Safe Drinking Water
10 Act (42 U.S.C. 300j–12(d)); or

11 (B) in a municipality with a population of not
12 more than 100,000;

13 (2) in reasonable proximity to—

14 (A) an active military base;

15 (B) a formerly used defense site under the
16 jurisdiction of the Department of Defense that
17 is undergoing (or is scheduled to undergo) envi-
18 ronmental remediation under chapter 160 of
19 title 10, United States Code; or

20 (C) any industrial site; and

21 (3) in an area in which—

22 (A) there may be contamination in the
23 available drinking water supply; and

24 (B) the local government is requesting as-
25 sistance in the testing and treatment of water
26 wells.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to carry out this section
 3 \$50,000,000, to remain available until expended.

4 **Subtitle E—Sediment Management**

5 **SEC. 3401. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**
 6 **AGEMENT.**

7 Section 1179(a) of the Water Infrastructure Im-
 8 provements for the Nation Act (130 Stat. 1675) is amend-
 9 ed—

10 (1) by redesignating paragraphs (4) through
 11 (8) as paragraphs (5) through (9), respectively;

12 (2) by inserting after paragraph (3) the fol-
 13 lowing:

14 “(4) **PRIORITIZATION OF SEDIMENT MANAGE-**
 15 **MENT PLANS.**—In carrying out the pilot project
 16 under this subsection, the Secretary shall give pri-
 17 ority to developing and implementing sediment man-
 18 agement plans that affect reservoirs that cross State
 19 lines.”;

20 (3) in paragraph (8) (as so redesignated)—

21 (A) by redesignating subparagraph (B) as
 22 subparagraph (C); and

23 (B) by striking subparagraph (A) and in-
 24 serting the following:

1 “(A) IN GENERAL.—The Secretary shall
2 carry out the pilot program established under
3 this subsection in partnership with the Sec-
4 retary of the Interior, and the program shall
5 apply to reservoirs managed or owned by the
6 Bureau of Reclamation.

7 “(B) MEMORANDUM OF AGREEMENT.—
8 For sediment management plans that apply to
9 a reservoir managed or owned by the Bureau of
10 Reclamation under subparagraph (A), the Sec-
11 retary and the Secretary of the Interior shall
12 execute a memorandum of agreement estab-
13 lishing the framework for a partnership and the
14 terms and conditions for sharing expertise and
15 resources.”; and

16 (4) by adding at the end the following:

17 “(10) PRIORITIZATION OF FUNDS.—To the
18 maximum extent practicable, in carrying out any
19 projects or programs of the Secretary or the Sec-
20 retary of the Interior, the Secretary and the Sec-
21 retary of the Interior, as applicable, shall give pri-
22 ority to activities under this subsection.”.

23 **SEC. 3402. RESERVOIR SEDIMENT.**

24 Section 215 of the Water Resources Development Act
25 of 2000 (33 U.S.C. 2326c) is amended—

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1 (1) in subsection (a)—

2 (A) by striking “the date of enactment of
3 the Water Resources Development Act of 2016”
4 and inserting “the date of enactment of the
5 America’s Water Infrastructure Act of 2018”;
6 and

7 (B) by striking “shall establish, using
8 available funds, a pilot program to accept” and
9 inserting “shall, using available funds, accept”;

10 (2) in subsection (b)—

11 (A) in paragraph (2), by adding “and” at
12 the end;

13 (B) in paragraph (3), by striking “; and”
14 at the end and inserting a period; and

15 (C) by striking paragraph (4); and

16 (3) by striking subsection (f) and inserting the
17 following:

18 “(f) REPORT TO CONGRESS.—Not later than 3 years
19 after the date of enactment of the America’s Water Infra-
20 structure Act of 2018, the Secretary may submit to the
21 Committee on Environment and Public Works of the Sen-
22 ate and the Committee on Transportation and Infrastruc-
23 ture of the House of Representatives a report describing
24 the results of the program under this section.”.

1 **SEC. 3403. REGIONAL SEDIMENT MANAGEMENT.**

2 Section 204 of the Water Resources Development Act
3 of 1992 (33 U.S.C. 2326) is amended—

4 (1) in subsection (a)—

5 (A) by striking paragraph (1) and insert-
6 ing the following:

7 “(1) SEDIMENT USE.—For sediment obtained
8 through the construction, operation, or maintenance
9 of an authorized Federal water resources project or
10 a reclamation project, including Federal reservoirs
11 authorized for flood control, the Secretary (in con-
12 sultation with the Commissioner of Reclamation (re-
13 ferred to in this section as the ‘Commissioner’)) and,
14 subject to the availability of appropriations, the
15 Commissioner (in consultation with the Secretary),
16 as applicable, shall develop, at full Federal expense,
17 regional sediment management plans, and carry out
18 projects at locations identified in plans developed
19 under this section, or identified jointly by the non-
20 Federal interest and the Secretary or the Commis-
21 sioner, as applicable, for use in the construction, re-
22 pair, modification, or rehabilitation of projects asso-
23 ciated with Federal water resources projects and rec-
24 lamation projects for purposes listed in paragraph
25 (3).”;

1 (B) in paragraph (2), by inserting “or the
2 Commissioner, as applicable,” after “Sec-
3 retary”;

4 (C) in paragraph (3), in the matter pre-
5 ceding subparagraph (A), by inserting “and rec-
6 lamation projects” after “water resources
7 projects”; and

8 (D) in paragraph (4), by inserting “or the
9 Commissioner, as applicable,” after “Sec-
10 retary”;

11 (2) in subsection (b)—

12 (A) in the heading, by striking “SECRE-
13 TARIAL” and inserting “AGENCY”; and

14 (B) in the matter preceding paragraph (1),
15 by inserting “or the Commissioner, as applica-
16 ble,” after “Secretary”;

17 (3) in subsection (c)(1)—

18 (A) in subparagraph (A), by inserting “or
19 reclamation project” after “water resources
20 project”; and

21 (B) in subparagraph (B)(ii), by inserting
22 “or the Commissioner, as applicable,” after
23 “Secretary”;

24 (4) in subsection (d)—

1 (A) by inserting “or the Commissioner, as
2 applicable,” after “Secretary” each place it ap-
3 pears; and

4 (B) in paragraph (1), in the matter pre-
5 ceding subparagraph (A), by inserting “or rec-
6 lamation project” after “water resources
7 project”;

8 (5) in subsection (e), in the matter preceding
9 paragraph (1), by inserting “or the Commissioner,
10 as applicable,” after “Secretary”; and

11 (6) in subsection (g), in the first sentence, by
12 inserting “to the Secretary” after “appropriated”.

13 **Subtitle F—Flood Risk**
14 **Management**

15 **SEC. 3501. ICE JAM PREVENTION AND MITIGATION.**

16 Section 1150(c) of the Water Infrastructure Improve-
17 ments for the Nation Act (33 U.S.C. 701s note; Public
18 Law 114–322) is amended—

19 (1) in paragraph (1)—

20 (A) by striking “During fiscal years 2017
21 through 2022, the Secretary” and inserting
22 “The Secretary”; and

23 (B) by striking “10 projects” and inserting
24 “20 projects”;

25 (2) in paragraph (2)—

1 (A) by striking “shall ensure” and insert-
 2 ing the following : “shall—

3 “(A) ensure”;

4 (B) by striking the period at the end and
 5 inserting “; and”; and

6 (C) by adding at the end the following:

7 “(B) select not less than 1 project on a
 8 reservation (as defined in section 3 of the In-
 9 dian Financing Act of 1974 (25 U.S.C. 1452))
 10 that serves more than 1 Indian tribe (as defined
 11 in section 4 of the Indian Self-Determination
 12 and Education Assistance Act (25 U.S.C.
 13 5304)).”; and

14 (3) by adding at the end the following:

15 “(3) PRIORITIZATION.—In selecting projects
 16 under paragraph (1), the Secretary shall give pri-
 17 ority to—

18 “(A) projects in the Upper Missouri River
 19 Basin; and

20 “(B) projects in the Northeast.”.

21 **SEC. 3502. UPPER MISSOURI RIVER BASIN FLOOD AND**
 22 **DROUGHT MONITORING.**

23 Section 4003(a) of the Water Resources Reform and
 24 Development Act of 2014 (128 Stat. 1311, 130 Stat.
 25 1677) is amended by adding at the end the following:

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1 “(6) PRIORITIZATION.—To the maximum ex-
2 tent practicable, in carrying out any projects or pro-
3 grams of the Secretary, the Secretary shall give pri-
4 ority to activities under this subsection.”.

5 **SEC. 3503. POLICIES THAT IMPACT FLOOD FIGHT MANAGE-**
6 **MENT PROJECTS WITHIN URBAN AREAS.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall carry out a study on—

9 (1) flooding within urban floodplains; and
10 (2) the Federal policy constraints on the ability
11 of the Secretary to address urban flooding, includ-
12 ing—

13 (A) the regulations under part 238 of title
14 33, Code of Federal Regulations (as in effect on
15 the date of enactment of this Act); and

16 (B) the limitation under section
17 238.7(a)(1) of that title (as in effect on the
18 date of enactment of this Act) that allows the
19 Secretary to provide assistance only where the
20 flood discharge of a stream or waterway within
21 an urban area is greater than 800 cubic feet
22 per second for the 10-percent flood.

1 **SEC. 3504. MISSOURI RIVER AND TRIBUTARIES AT KANSAS**
2 **CITIES, MISSOURI AND KANSAS.**

3 (a) IN GENERAL.—The project for flood damage re-
4 duction, Argentine, East Bottoms, Fairfax-Jersey Creek,
5 and North Kansas Levees Units, Missouri River and tribu-
6 taries at Kansas Cities, Missouri and Kansas, authorized
7 by section 1001(28) of the Water Resources Development
8 Act of 2007 (121 Stat. 1054), is modified to include the
9 Armourdale and Central Industrial District Levee Units,
10 to be carried out by the Secretary substantially in accord-
11 ance with the plans, and subject to the conditions, de-
12 scribed in the report of the Chief of Engineers, dated Jan-
13 uary 27, 2015, at an additional total cost of
14 \$328,110,000, with an estimated Federal cost of
15 \$213,271,500 and an estimated non-Federal cost of
16 \$114,838,500.

17 (b) SINGLE PROJECT.—The projects described in
18 subsection (a) shall be considered a single project for
19 budgeting purposes and shall not be subject to a new start
20 decision or new investment decision.

21 (c) CONFORMING AMENDMENT.—Item 2 of the table
22 in section 1401(2) of the Water Infrastructure Improve-
23 ments for the Nation Act (130 Stat. 1710) (relating to
24 Armourdale and Central Industrial District Levee Units,
25 Missouri River and Tributaries at Kansas Citys) is re-
26 pealed.

1 **SEC. 3505. FARGO-MOORHEAD METROPOLITAN AREA DI-**
2 **VERSION PROJECT, NORTH DAKOTA.**

3 (a) IN GENERAL.—Notwithstanding section
4 404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C.
6 5170c(b)(2)(B)(ii)) and any regulations promulgated to
7 carry out that section, beginning on the date of enactment
8 of this Act, any property in the State of North Dakota
9 that was acquired through hazard mitigation assistance
10 provided under section 203 of that Act (42 U.S.C. 5133),
11 section 404 of that Act (42 U.S.C. 5170c), or section 1366
12 of the National Flood Insurance Act of 1968 (42 U.S.C.
13 4104c) that was subject to any open space deed restriction
14 shall be exempt from those restrictions to the extent nec-
15 essary to complete the Fargo-Moorhead Metropolitan Area
16 Diversion Project authorized by section 7002(2) of the
17 Water Resources Reform and Development Act of 2014
18 (128 Stat. 1366), subject to the conditions that—

19 (1) no new or additional structure unrelated to
20 the Project may be erected on the property unless
21 the new or additional structure is in compliance with
22 section 404(b)(2)(B)(ii) of the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act (42
24 U.S.C. 5170c(b)(2)(B)(ii)); and

1 (2) any subsequent use of the land on the prop-
2 erty that is unrelated to the Project shall comply
3 with that section.

4 (b) SAVINGS PROVISION.—Nothing in this section af-
5 fects the responsibility of any entity to comply with all
6 other applicable laws (including regulations) with respect
7 to the properties described in subsection (a).

8 **Subtitle G—River Basins,**
9 **Watersheds, and Coastal Areas**

10 **SEC. 3601. LONG-TERM FLOOD RISK REDUCTION, UPPER**
11 **MISSOURI RIVER BASIN, SNAKE RIVER BASIN,**
12 **AND RED RIVER BASIN.**

13 Section 5 of the Act of August 18, 1941 (commonly
14 known as the “Flood Control Act of 1941”) (55 Stat. 650,
15 chapter 377; 33 U.S.C. 701n) is amended by adding at
16 the end the following:

17 “(f) LONG TERM FLOOD-RISK REDUCTION.—

18 “(1) IN GENERAL.—The Secretary shall provide
19 assistance for the operation and maintenance of any
20 project constructed under this section that, as deter-
21 mined by the Secretary, becomes permanent due to
22 the extended presence of assistance from the Sec-
23 retary under subsection (a).

24 “(2) NO TIME LIMITATION.—Notwithstanding
25 any other provision of this section or any other law,

1 the Secretary may provide assistance under this sub-
 2 section for any period of time, as determined by the
 3 Secretary.

4 “(3) COST-SHARE.—The cost of operation and
 5 maintenance provided under this subsection for a
 6 project shall be subject to the cost-sharing provisions
 7 that would otherwise apply to such a project.

8 “(4) TERMINATION.—The authority to provide
 9 assistance under this subsection terminates on the
 10 date that is 10 years after the date of enactment of
 11 the America’s Water Infrastructure Act of 2018.”

12 **SEC. 3602. SENSE OF CONGRESS RELATING TO PROVISION**
 13 **OF RESOURCES FOR EMERGENCY INFRA-**
 14 **STRUCTURE REPAIRS.**

15 It is the sense of Congress that the Secretary should
 16 use all existing authorities of the Secretary to accept and
 17 use resources provided by a non-Federal entity under sec-
 18 tion 1024 of the Water Resources Reform and Develop-
 19 ment Act of 2014 (33 U.S.C. 2325a) to carry out emer-
 20 gency infrastructure repairs, regardless of the cause of the
 21 emergency.

22 **SEC. 3603. SENSE OF CONGRESS ON EMERGENCY MANAGE-**
 23 **MENT ASSISTANCE.**

24 It is the sense of Congress that the Secretary should
 25 provide technical assistance and other support to State

1 emergency management agencies to assist in the develop-
2 ment of handbooks for floodplain managers that—

3 (1) include policies to help manage the risks of
4 coastal and river flooding; and

5 (2) consider coastal protection solutions that
6 promote resilience, such as living shorelines, and re-
7 gional sediment management.

8 **SEC. 3604. GREAT LAKES FISH AND WILDLIFE RESTORA-**
9 **TION ACT OF 1990.**

10 Section 1009 of the Great Lakes Fish and Wildlife
11 Restoration Act of 1990 (16 U.S.C. 941g) is amended by
12 striking subsection (a) and inserting the following:

13 “(a) IN GENERAL.—There are authorized to be ap-
14 propriated to the Director—

15 “(1) for fiscal year 2019—

16 “(A) \$6,600,000 to implement fish and
17 wildlife restoration proposals and regional
18 projects selected by the Director under section
19 1005(d), of which—

20 “(i) not more than the lesser of 33 1/3
21 percent and \$2,000,000 may be allocated
22 to implement regional projects; and

23 “(ii) the lesser of 5 percent and
24 \$300,000 shall be allocated to the United
25 States Fish and Wildlife Service to cover

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1 costs incurred in administering the pro-
2 posals by any entity; and

3 “(B) \$2,200,000, which shall be allocated
4 for the activities of the Upper Great Lakes Fish
5 and Wildlife Conservation Offices and the
6 Lower Great Lakes Fish and Wildlife Conserva-
7 tion Office under section 1007;

8 “(2) for fiscal year 2020—

9 “(A) \$7,200,000 to implement fish and
10 wildlife restoration proposals and regional
11 projects selected by the Director under section
12 1005(d), of which—

13 “(i) not more than the lesser of 33 ⅓
14 percent and \$2,000,000 may be allocated
15 to implement regional projects; and

16 “(ii) the lesser of 5 percent and
17 \$300,000 shall be allocated to the United
18 States Fish and Wildlife Service to cover
19 costs incurred in administering the pro-
20 posals by any entity; and

21 “(B) \$2,400,000, which shall be allocated
22 for the activities of the Upper Great Lakes Fish
23 and Wildlife Conservation Offices and the
24 Lower Great Lakes Fish and Wildlife Conserva-
25 tion Office under section 1007; and

1 “(3) for fiscal year 2021—

2 “(A) \$7,800,000 to implement fish and
3 wildlife restoration proposals and regional
4 projects selected by the Director under section
5 1005(d), of which—

6 “(i) not more than the lesser of 33 ⅓
7 percent and \$2,000,000 may be allocated
8 to implement regional projects; and

9 “(ii) the lesser of 5 percent and
10 \$300,000 shall be allocated to the United
11 States Fish and Wildlife Service to cover
12 costs incurred in administering the pro-
13 posals by any entity; and

14 “(B) \$2,600,000, which shall be allocated
15 for the activities of the Upper Great Lakes Fish
16 and Wildlife Conservation Offices and the
17 Lower Great Lakes Fish and Wildlife Conserva-
18 tion Office under section 1007.”.

19 **SEC. 3605. GREAT LAKES RESTORATION INITIATIVE.**

20 Section 118(c)(7)(J) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1268(c)(7)(J)) is amended by
22 striking clause (i) and inserting the following:

23 “(i) IN GENERAL.—There are author-
24 ized to be appropriated to carry out this
25 paragraph—

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1 “(I) \$330,000,000 for fiscal year
2 2019;
3 “(II) \$360,000,000 for fiscal
4 year 2020; and
5 “(III) \$390,000,000 for fiscal
6 year 2021.”.

7 **SEC. 3606. GREAT LAKES COASTAL RESILIENCY STUDY.**

8 The Secretary shall carry out the proposed Great
9 Lakes coastal resiliency study under section 729 of the
10 Water Resources Development Act of 1986 (33 U.S.C.
11 2267a)—

12 (1) to conduct an assessment of water resources
13 needs in the Great Lakes; and
14 (2) to prioritize efforts to study issues in the
15 Great Lakes, including lake level fluctuations, ero-
16 sion, flooding, nutrient runoff, aging infrastructure,
17 and economic and recreational issues.

18 **SEC. 3607. SPECIAL RULE FOR BEACH NOURISHMENT.**

19 Section 156(e) of the Water Resources Development
20 Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by strik-
21 ing “the date of enactment of the Water Resources Re-
22 form and Development Act of 2014” and inserting “the
23 date of enactment of the America’s Water Infrastructure
24 Act of 2018”.

1 **SEC. 3608. EXTENSION FOR CERTAIN COASTAL STORM DAM-**
2 **AGE REDUCTION PROGRAMS.**

3 Section 156(e) of the Water Resources Development
4 Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by in-
5 serting “or within the 5-year period beginning on the date
6 of enactment of the America’s Water Infrastructure Act
7 of 2018” after “Water Resources Reform and Develop-
8 ment Act of 2014”.

9 **SEC. 3609. SNAKE RIVER BASIN FLOOD PREVENTION AC-**
10 **TION PLAN.**

11 (a) **IN GENERAL.**—As soon as practicable after the
12 date of enactment of this Act, the Secretary, in consulta-
13 tion with the Commissioner of Reclamation, shall develop
14 a flood prevention action plan for each State or portion
15 of a State within the Snake River Basin.

16 (b) **REQUIREMENTS.**—A flood prevention action plan
17 under subsection (a) shall—

18 (1) focus on the areas most likely to experience
19 flooding within the next 2 years;

20 (2) include steps to manage and reduce flood
21 risks within the Snake River Basin; and

22 (3) include a description of the actions the Sec-
23 retary and the Commissioner of Reclamation plan to
24 take to improve coordination with local stakeholders
25 to help manage and reduce flood risks in the areas
26 described in paragraph (1).

1 (c) SUBMISSION.—Not later than 180 days after the
2 date of enactment of this Act, after coordinating with local
3 stakeholders, the Secretary shall submit to the Committee
4 on Environment and Public Works of the Senate and the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives the flood prevention plans devel-
7 oped under subsection (a).

8 **SEC. 3610. AUTHORIZATION OF APPROPRIATIONS FOR CO-**
9 **LUMBIA RIVER BASIN RESTORATION.**

10 Section 123(d) of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1275(d)) is amended by adding at the
12 end the following:

13 “(6) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated to carry out
15 this subsection—

16 “(A) \$5,000,000 for fiscal year 2019; and

17 “(B) \$30,000,000 for each of fiscal years
18 2020 and 2021.”.

19 **SEC. 3611. MIDDLE RIO GRANDE PEAK FLOW RESTORA-**
20 **TION.**

21 (a) TEMPORARY DEVIATION.—During the 5-year pe-
22 riod beginning on the date of enactment of this Act, the
23 Secretary shall continue the temporary deviation in the op-
24 eration of Cochiti Lake and Jemez Canyon Dam, that was

1 initiated in 2009 and terminated in 2013, to continue to
2 evaluate the benefits of the deviation.

3 (b) FEASIBILITY STUDY AND REPORT.—Not later
4 than 1 year after the date of enactment of this Act, the
5 Secretary and the Secretary of the Interior shall—

6 (1) conduct a feasibility study to address
7 Cochiti Dam operation limitations on the timing,
8 magnitude, and duration of flows that support feder-
9 ally listed species in the Middle Rio Grande, con-
10 sistent with subsection (c); and

11 (2) submit to Congress a feasibility report on
12 the reauthorization of the purposes of Cochiti Dam.

13 (c) GOALS.—The deviation described in subsection
14 (a) shall provide for the detention and release of native
15 Rio Grande water and San Juan-Chama Project water
16 with the goals of—

17 (1) improving river processes to restore species
18 habitat on the Rio Grande, including a Spring peak
19 flow to the Rio Grande;

20 (2) increasing the spawning and recruitment of
21 endangered Rio Grande silvery minnows;

22 (3) creating overbanking flows that are nec-
23 essary—

24 (A) to maintain a healthy bosque; and

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1 (B) to support habitat for the South-
2 western willow flycatcher and other wildlife;

3 (4) maintaining channel capacity; and

4 (5) increasing water operational flexibility and
5 efficiencies in meeting irrigation and municipal and
6 industrial purposes, if the increased water oper-
7 ational flexibility and efficiencies enhance the goals
8 described in paragraphs (1) and (4).

9 (d) MONITORING.—The Secretary, in cooperation
10 with the Secretary of the Interior and other Federal and
11 non-Federal stakeholders shall—

12 (1) monitor the environmental effects, benefits,
13 and results of the deviation mandated under this
14 section; and

15 (2) compile any data necessary to evaluate the
16 need for further amendment to the authorizations
17 and water control manuals for Cochiti Lake or
18 Jemez Canyon Dam.

19 (e) APPROVAL REQUIRED.—Before implementing the
20 temporary deviation under this section, as required by the
21 applicable water control manuals, the Secretary shall—

22 (1) first obtain approval from—

23 (A) Pueblo de Cochiti;

24 (B) Pueblo of Santa Ana; and

1 (C) the Rio Grande Compact Commission
2 established by the compact approved by Con-
3 gress under the Act of May 31, 1939 (53 Stat.
4 785, chapter 155); and

5 (2) to the maximum extent practicable, consult
6 with the existing Cochiti Lake Environmental Re-
7 sources Team, which includes other Federal agencies
8 and landowners in the region.

9 (f) REPORTS.—The Secretary shall prepare and sub-
10 mit to Congress—

11 (1) for each year in which the deviations are
12 being carried out under this section, annual reports
13 that describe the data compiled under subsection
14 (d)(2); and

15 (2) at the end of the period described in sub-
16 section (a), a final, cumulative report that summa-
17 rizes the data obtained during that period.

18 **SEC. 3612. NORTH ATLANTIC DIVISION REPORT ON HURRI-**
19 **CANE BARRIERS AND HARBORS OF REFUGE**
20 **IN NEW ENGLAND.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Secretary, in consultation with State and
23 local experts in the North Atlantic Division of the Corps
24 of Engineers, shall submit to Congress a report on the
25 durability and resiliency of existing hurricane barriers and

1 harbors of refuge, giving particular consideration as to
2 how those structures will survive and fully serve their
3 planned levels of protection under current, near, and
4 longer term future predicted sea levels, storm surge, and
5 storm strength.

6 **SEC. 3613. STUDY ON INNOVATIVE PORTS FOR OFFSHORE**
7 **WIND DEVELOPMENT.**

8 (a) **DEFINITION OF INNOVATIVE PORT FOR OFF-**
9 **SHORE WIND DEVELOPMENT.**—In this section, the term
10 “innovative port for offshore wind development” includes
11 any port that can accommodate, or be retrofitted to ac-
12 commodate—

13 (1) the upright assembly of the majority of an
14 offshore wind facility, including the foundation,
15 tower, turbine, blade, and electrical components;

16 (2) an assembly area, ground bearing pressure,
17 and overhead clearance for the assembly of offshore
18 wind facility turbines, which each have a capacity of
19 up to 20 megawatts;

20 (3) heavy-lift quay and not less than 30 acres
21 of port storage;

22 (4) innovative offshore wind facility and vessel
23 technologies that allow for the rapid installation of
24 an offshore wind facility; and

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1 (5) any other innovative offshore wind facility
2 technology, as determined by the Secretary.

3 (b) STUDY AND REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary
6 shall—

7 (A) in consultation with the Secretary of
8 Energy and the Secretary of the Interior, carry
9 out a study of ports in the Mid-Atlantic and
10 New England regions of the United States to
11 identify—

12 (i) not less than 3 suitable ports in
13 those regions that could become innovative
14 ports for offshore wind development;

15 (ii) barriers to the development of in-
16 novative ports for offshore wind develop-
17 ment;

18 (iii) the Federal and State actions, in-
19 cluding dredging and construction of sup-
20 porting infrastructure, needed to facilitate
21 the development of the ports identified
22 under clause (i) to become innovative ports
23 for offshore wind development; and

24 (iv) recommendations on any further
25 research needed to improve ports in the

1 United States for offshore wind facility de-
2 velopment and deployment; and

3 (B) submit to Congress a report describing
4 the results of the study under subparagraph
5 (A).

6 (2) CONSULTATION.—In carrying out the study
7 under paragraph (1), the Secretary shall consult
8 with, at a minimum—

9 (A) the Governor of each affected State;

10 (B) units of local government; and

11 (C) relevant experts in engineering, envi-
12 ronment, and industry considerations.

13 **Subtitle H—Environmental** 14 **Management**

15 **SEC. 3701. REAUTHORIZATION OF RIO GRANDE ENVIRON-** 16 **MENTAL MANAGEMENT PROGRAM.**

17 Section 5056(f) of the Water Resources Development
18 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended
19 by striking “each of fiscal years 2008 through 2019” and
20 inserting “each of fiscal years 2008 through 2021”.

21 **SEC. 3702. AMENDMENTS TO LONG ISLAND SOUND PRO-** 22 **GRAMS.**

23 (a) LONG ISLAND SOUND RESTORATION PRO-
24 GRAM.—Section 119 of the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1269) is amended—

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1 (1) in subsection (b), by striking the subsection
2 designation and heading and all that follows through
3 “The Office shall” and inserting the following:

4 “(b) OFFICE.—

5 “(1) ESTABLISHMENT.—The Administrator
6 shall—

7 “(A) continue to carry out the conference
8 study; and

9 “(B) establish an office, to be located on
10 or near Long Island Sound.

11 “(2) ADMINISTRATION AND STAFFING.—The
12 Office shall”;

13 (2) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by striking “Management Conference of the
16 Long Island Sound Study” and inserting “con-
17 ference study”;

18 (B) in paragraph (2)—

19 (i) in each of subparagraphs (A)
20 through (G), by striking the commas at
21 the end of the subparagraphs and inserting
22 semicolons;

23 (ii) in subparagraph (H), by striking
24 “, and” and inserting a semicolon;

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1 (iii) in subparagraph (I), by striking
2 the period at the end and inserting a semi-
3 colon; and
4 (iv) by adding at the end the fol-
5 lowing:

6 “(J) environmental impacts on the Long
7 Island Sound watershed, including—

8 “(i) the identification and assessment
9 of vulnerabilities in the watershed;

10 “(ii) the development and implementa-
11 tion of adaptation strategies to reduce
12 those vulnerabilities; and

13 “(iii) the identification and assess-
14 ment of the impacts of sea level rise on
15 water quality, habitat, and infrastructure;
16 and

17 “(K) planning initiatives for Long Island
18 Sound that identify the areas that are most
19 suitable for various types or classes of activities
20 in order to reduce conflicts among uses, reduce
21 adverse environmental impacts, facilitate com-
22 patible uses, or preserve critical ecosystem serv-
23 ices to meet economic, environmental, security,
24 or social objectives;”;

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) develop and implement strategies to in-
4 crease public education and awareness with respect
5 to the ecological health and water quality conditions
6 of Long Island Sound;”;

7 (D) in paragraph (5), by inserting “study”
8 after “conference”;

9 (E) in paragraph (6)—

10 (i) by inserting “(including on the
11 Internet)” after “the public”; and

12 (ii) by inserting “study” after “con-
13 ference”; and

14 (F) by striking paragraph (7) and insert-
15 ing the following:

16 “(7) monitor the progress made toward meeting
17 the identified goals, actions, and schedules of the
18 Comprehensive Conservation and Management Plan,
19 including through the implementation and support
20 of a monitoring system for the ecological health and
21 water quality conditions of Long Island Sound;
22 and”;

23 (3) in subsection (d)(3), in the second sentence,
24 by striking “50 per centum” and inserting “60 per-
25 cent”;

1 (4) by redesignating subsection (f) as sub-
2 section (i); and

3 (5) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) REPORT.—

6 “(1) IN GENERAL.—Not later than 2 years
7 after the date of enactment of the America’s Water
8 Infrastructure Act of 2018, and biennially there-
9 after, the Director of the Office, in consultation with
10 the Governor of each Long Island Sound State, shall
11 submit to Congress a report that—

12 “(A) summarizes and assesses the progress
13 made by the Office and the Long Island Sound
14 States in implementing the Long Island Sound
15 Comprehensive Conservation and Management
16 Plan, including an assessment of the progress
17 made toward meeting the performance goals
18 and milestones contained in the Plan;

19 “(B) assesses the key ecological attributes
20 that reflect the health of the ecosystem of the
21 Long Island Sound watershed;

22 “(C) describes any substantive modifica-
23 tions to the Long Island Sound Comprehensive
24 Conservation and Management Plan made dur-

1 ing the 2-year period preceding the date of sub-
2 mission of the report;

3 “(D) provides specific recommendations to
4 improve progress in restoring and protecting
5 the Long Island Sound watershed, including, as
6 appropriate, proposed modifications to the Long
7 Island Sound Comprehensive Conservation and
8 Management Plan;

9 “(E) identifies priority actions for imple-
10 mentation of the Long Island Sound Com-
11 prehensive Conservation and Management Plan
12 for the 2-year period following the date of sub-
13 mission of the report; and

14 “(F) describes the means by which Federal
15 funding and actions will be coordinated with the
16 actions of the Long Island Sound States and
17 other entities.

18 “(2) PUBLIC AVAILABILITY.—The Adminis-
19 trator shall make the report described in paragraph
20 (1) available to the public, including on the Internet.

21 “(g) ANNUAL BUDGET PLAN.—The President shall
22 submit, together with the annual budget of the United
23 States Government submitted under section 1105(a) of
24 title 31, United States Code, information regarding each
25 Federal department and agency involved in the protection

1 and restoration of the Long Island Sound watershed, in-
2 cluding—

3 “(1) an interagency crosscut budget that dis-
4 plays for each department and agency—

5 “(A) the amount obligated during the pre-
6 ceding fiscal year for protection and restoration
7 projects and studies relating to the watershed;

8 “(B) the estimated budget for the current
9 fiscal year for protection and restoration
10 projects and studies relating to the watershed;
11 and

12 “(C) the proposed budget for succeeding
13 fiscal years for protection and restoration
14 projects and studies relating to the watershed;
15 and

16 “(2) a summary of any proposed modifications
17 to the Long Island Sound Comprehensive Conserva-
18 tion and Management Plan for the following fiscal
19 year.

20 “(h) FEDERAL ENTITIES.—

21 “(1) COORDINATION.—The Administrator shall
22 coordinate the actions of all Federal departments
23 and agencies that impact water quality in the Long
24 Island Sound watershed in order to improve the
25 water quality and living resources of the watershed.

1 “(2) METHODS.—In carrying out this section,
2 the Administrator, acting through the Director of
3 the Office, may—

4 “(A) enter into interagency agreements;
5 and

6 “(B) make intergovernmental personnel
7 appointments.

8 “(3) FEDERAL PARTICIPATION IN WATERSHED
9 PLANNING.—A Federal department or agency that
10 owns or occupies real property, or carries out activi-
11 ties, within the Long Island Sound watershed shall
12 participate in regional and subwatershed planning,
13 protection, and restoration activities with respect to
14 the watershed.

15 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
16 SERVATION AND MANAGEMENT PLAN.—To the max-
17 imum extent practicable, the head of each Federal
18 department and agency that owns or occupies real
19 property, or carries out activities, within the Long
20 Island Sound watershed shall ensure that the prop-
21 erty and all activities carried out by the department
22 or agency are consistent with the Long Island Sound
23 Comprehensive Conservation and Management Plan
24 (including any related subsequent agreements and
25 plans).”.

1 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
2 GRAM.—

3 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
4 SORY COMMITTEE.—Section 8 of the Long Island
5 Sound Stewardship Act of 2006 (33 U.S.C. 1269
6 note; Public Law 109–359) is amended—

7 (A) in subsection (g), by striking “2011”
8 and inserting “2021”; and

9 (B) by adding at the end the following:

10 “(h) NONAPPLICABILITY OF FACCA.—The Federal
11 Advisory Committee Act (5 U.S.C. App.) shall not apply
12 to—

13 “(1) the Advisory Committee; or

14 “(2) any board, committee, or other group es-
15 tablished under this Act.”.

16 (2) REPORTS.—Section 9(b)(1) of the Long Is-
17 land Sound Stewardship Act of 2006 (33 U.S.C.
18 1269 note; Public Law 109–359) is amended in the
19 matter preceding subparagraph (A) by striking “fis-
20 cal years 2007 through 2011” and inserting “fiscal
21 years 2019 through 2021”.

22 (3) AUTHORIZATION.—Section 11 of the Long
23 Island Sound Stewardship Act of 2006 (33 U.S.C.
24 1269 note; Public Law 109–359) is amended—

25 (A) by striking subsection (a);

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1 (B) by redesignating subsections (b)
2 through (d) as subsections (a) through (c), re-
3 spectively; and

4 (C) in subsection (a) (as so redesignated),
5 by striking “under this section each” and in-
6 serting “to carry out this Act for a”.

7 (4) EFFECTIVE DATE.—The amendments made
8 by this subsection take effect on October 1, 2018.

9 (c) REAUTHORIZATION OF LONG ISLAND SOUND
10 PROGRAMS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the Administrator of the Environ-
13 mental Protection Agency such sums as are nec-
14 essary for each of fiscal years 2019 through 2021
15 for the implementation of—

16 (A) section 119 of the Federal Water Pol-
17 lution Control Act (33 U.S.C. 1269), other than
18 subsection (d) of that section; and

19 (B) the Long Island Sound Stewardship
20 Act of 2006 (33 U.S.C. 1269 note; Public Law
21 109–359).

22 (2) LONG ISLAND SOUND GRANTS.—There is
23 authorized to be appropriated to the Administrator
24 of the Environmental Protection Agency to carry out
25 section 119(d) of the Federal Water Pollution Con-

1 trol Act (33 U.S.C. 1269(d)) \$40,000,000 for each
2 of fiscal years 2019 through 2021.

3 (3) LONG ISLAND SOUND STEWARDSHIP
4 GRANTS.—There is authorized to be appropriated to
5 the Administrator of the Environmental Protection
6 Agency to carry out the Long Island Sound Stew-
7 ardship Act of 2006 (33 U.S.C. 1269 note; Public
8 Law 109–359) \$25,000,000 for each of fiscal years
9 2019 through 2021.

10 **SEC. 3703. SENSE OF CONGRESS RELATING TO THE CAÑO**
11 **MARTÍN PEÑA ECOSYSTEM RESTORATION**
12 **PROJECT.**

13 It is the sense of Congress that the Secretary should
14 advance the project for ecosystem restoration, Caño
15 Martín Peña, Puerto Rico.

16 **Subtitle I—Tribal Programs**

17 **SEC. 3801. INFLATION ADJUSTMENT OF COST-SHARING**
18 **PROVISIONS FOR TERRITORIES AND INDIAN**
19 **TRIBES.**

20 Section 1156(b) of the Water Resources Development
21 Act of 1986 (33 U.S.C. 2310(b)) is amended by striking
22 “the date of enactment of this subsection” and inserting
23 “the date of enactment of the America’s Water Infrastruc-
24 ture Act of 2018”.

1 **SEC. 3802. TRIBAL PARTNERSHIP PROGRAM.**

2 Section 203(b)(4) of the Water Resources Develop-
3 ment Act of 2000 (33 U.S.C. 2269(b)(4)) is amended by
4 striking “\$10,000,000” in each of subparagraphs (A) and
5 (B) and inserting “\$15,000,000”.

6 **SEC. 3803. BLACKFEET WATER RIGHTS SETTLEMENT.**

7 (a) **AUTHORIZATION FOR APPROPRIATIONS.**—Section
8 3718 of the Water Infrastructure Improvements for the
9 Nation Act (130 Stat. 1838) is amended by adding at the
10 end the following:

11 “(c) **BLACKFEET WATER RIGHTS SETTLEMENT.**—
12 Notwithstanding sections 3716(e) and 3717(e), to the ex-
13 tent funds have been appropriated, 50 percent of the
14 amounts appropriated to the Blackfeet Settlement Trust
15 Fund and 50 percent of the amounts appropriated to the
16 Blackfeet Water Settlement Implementation Fund under
17 this section shall be available to the Tribe and the Sec-
18 retary in a manner consistent with this title on the execu-
19 tion of the waivers and releases under section 3720(a).”.

20 (b) **WAIVER AND RELEASE OF CLAIMS.**—Section
21 3720 of the Water Infrastructure Improvements for the
22 Nation Act (130 Stat. 1839) is amended—

23 (1) in subsection (a)(3)(B), by striking “section
24 3706” and inserting “section 6”; and

1 (2) in subsection (h), in the matter preceding
2 paragraph (1), by striking “January 21, 2026” and
3 inserting “January 21, 2025”.

4 **SEC. 3804. BONNEVILLE DAM, OREGON.**

5 (a) **IN GENERAL.**—The Secretary, in consultation
6 with the Secretary of the Interior, shall examine and as-
7 sess the extent to which Indians (as defined in section 4
8 of the Indian Self-Determination and Education Assist-
9 ance Act (25 U.S.C. 5304)) have been displaced as a re-
10 sult of the construction of the Bonneville Dam, Oregon.

11 (b) **INCLUSION.**—The examination and assessment
12 under subsection (a) may include assessments relating to
13 housing and related facilities.

14 (c) **ASSISTANCE.**—If the Secretary determines, based
15 on the examination and assessment under subsection (a),
16 that assistance is required, the Secretary may use all exist-
17 ing authorities of the Secretary to provide assistance to
18 Indians that have been displaced as a result of the con-
19 struction of the Bonneville Dam, Oregon.

20 (d) **TRIBAL ASSISTANCE.**—Section 1178(c)(1)(A) of
21 the Water Infrastructure Improvements for the Nation
22 Act (130 Stat. 1675) is amended by striking “Upon the
23 request of the Secretary of the Interior, the Secretary may
24 provide assistance” and inserting “The Secretary, in con-

1 sultation with the Secretary of the Interior, may provide
2 assistance”.

3 **SEC. 3805. JOHN DAY DAM, OREGON.**

4 (a) IN GENERAL.—The Secretary, in consultation
5 with the Secretary of the Interior, shall examine and as-
6 sess the extent to which Indians (as defined in section 4
7 of the Indian Self-Determination and Education Assist-
8 ance Act (25 U.S.C. 5304)) have been displaced as a re-
9 sult of the construction of the John Day Dam, Oregon,
10 as authorized by section 204 of the Flood Control Act of
11 1950 (64 Stat. 179, chapter 188).

12 (b) INCLUSION.—The examination and assessment
13 under subsection (a) may include assessments relating to
14 housing and related facilities.

15 (c) ASSISTANCE.—If the Secretary determines, based
16 on the examination and assessment under subsection (a),
17 that assistance is required, the Secretary may use all exist-
18 ing authorities of the Secretary to provide assistance to
19 Indians that have been displaced as a result of the con-
20 struction of the John Day Dam, Oregon.

21 **SEC. 3806. DALLES DAM, OREGON.**

22 (a) IN GENERAL.—The Secretary, in consultation
23 with the Secretary of the Interior, shall complete and
24 carry out a village development plan for any Indian village
25 (as defined in section 4 of the Indian Self-Determination

1 and Education Assistance Act (25 U.S.C. 5304)) sub-
2 merged as a result of the construction of the Dalles Dam,
3 Oregon, as authorized by section 204 of the Flood Control
4 Act of 1950 (64 Stat. 179, chapter 188).

5 (b) ASSISTANCE.—The Secretary may acquire land
6 from willing land owners in carrying out the village devel-
7 opment plan.

8 (c) REQUIREMENTS.—The village development plan
9 under subsection (a) shall include an estimated cost and
10 tentative schedule for the construction of a replacement
11 village.

12 **SEC. 3807. INDIAN IRRIGATION FUND REAUTHORIZATION.**

13 (a) DEPOSITS TO FUNDS.—Section 3212(a) of the
14 Water Infrastructure Improvements for the Nation Act
15 (130 Stat. 1750) is amended by striking “each of fiscal
16 years 2017 through 2021” and inserting “each of fiscal
17 years 2017 through 2028”.

18 (b) EXPENDITURES FROM FUND.—Section 3213(a)
19 of the Water Infrastructure Improvements for the Nation
20 Act (130 Stat. 1750) is amended in the matter preceding
21 paragraph (1) by striking “each of fiscal years 2017
22 through 2021” and inserting “each of fiscal years 2017
23 through 2028”.

24 (c) TERMINATION.—Section 3216 of the Water Infra-
25 structure Improvements for the Nation Act (130 Stat.

1 1750) is amended in the matter preceding paragraph (1)
2 by striking “September 30, 2021” and inserting “Sep-
3 tember 30, 2028”.

4 **SEC. 3808. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
5 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
6 **RIGATION PROJECTS.**

7 (a) IN GENERAL.—Section 3221(b) of the Water In-
8 frastructure Improvements for the Nation Act (130 Stat.
9 1751) is amended in the matter preceding paragraph (1)
10 by striking “each of fiscal years 2017 through 2021” and
11 inserting “each of fiscal years 2017 through 2028”.

12 (b) STATUS REPORT ON CERTAIN PROJECTS.—Sec-
13 tion 3224(d) of the Water Infrastructure Improvements
14 for the Nation Act (130 Stat. 1753) is amended in the
15 matter preceding paragraph (1) by striking “fiscal year
16 2021” and inserting “fiscal year 2028”.

17 (c) ALLOCATION AMONG PROJECTS.—Section 3226
18 of the Water Infrastructure Improvements for the Nation
19 Act (130 Stat. 1753) is amended—

20 (1) in subsection (a), by striking “each of fiscal
21 years 2017 through 2021” and inserting “each of
22 fiscal years 2017 through 2028”; and

23 (2) in subsection (b), by striking “the day be-
24 fore the date of enactment of this Act” and inserting

1 “the day before the date of enactment of the Amer-
2 ica’s Water Infrastructure Act of 2018”.

3 **SEC. 3809. INDIAN DAM SAFETY REAUTHORIZATION.**

4 Section 3101 of the Water Infrastructure Improve-
5 ments for the Nation Act (25 U.S.C. 3805) is amended—

6 (1) by striking “each of fiscal years 2017
7 through 2023” each place it appears and inserting
8 “each of fiscal years 2017 through 2030”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)(F), in the matter
11 preceding clause (i), by striking “September 30,
12 2023” and inserting “September 30, 2030”;
13 and

14 (B) in paragraph (2)(F), in the matter
15 preceding clause (i), by striking “September 30,
16 2023” and inserting “September 30, 2030”;
17 and

18 (3) in subsection (f)—

19 (A) in paragraph (2), by striking “4
20 years” and inserting “11 years”; and

21 (B) in paragraph (3), by striking “each of
22 fiscal years 2017, 2018, and 2019” and insert-
23 ing “each of fiscal years 2017 through 2026”.

1 **SEC. 3810. GAO REPORT ON ALASKA NATIVE VILLAGE RE-**
2 **LOCATION EFFORTS DUE TO FLOODING AND**
3 **EROSION THREATS.**

4 (a) **DEFINITION OF ALASKA NATIVE VILLAGE.**—In
5 this section, the term “Alaska Native village” means a Na-
6 tive village that has a Village Corporation (as those terms
7 are defined in section 3 of the Alaska Native Claims Set-
8 tlement Act (43 U.S.C. 1602)).

9 (b) **REPORT.**—The Comptroller General of the
10 United States (referred to in this section as the “Comp-
11 troller General”) shall submit to Congress a report on ef-
12 forts to relocate Alaska Native villages due to flooding and
13 erosion threats that updates the report of the Comptroller
14 General entitled “Alaska Native Villages: Limited
15 Progress Has Been Made on Relocating Villages Threat-
16 ened by Flooding and Erosion”, dated June 2009.

17 (c) **INCLUSIONS.**—The report under subsection (b)
18 shall include—

19 (1) a summary of flooding and erosion threats
20 to Alaska Native villages throughout the State of
21 Alaska, based on information from—

22 (A) the Corps of Engineers;

23 (B) the Denali Commission; and

24 (C) any other relevant sources of informa-
25 tion as the Comptroller General determines to
26 be appropriate;

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(2) the status of efforts to relocate Alaska Na-
tive villages due to flooding and erosion threats; and

(3) any other issues relating to flooding and erosion threats to, or relocation of, Alaska Native villages, as the Comptroller General determines to be appropriate.

7 **TITLE IV—SENSE OF CONGRESS**
8 **RELATING TO CERTAIN**
9 **PROJECTS**

10 SEC. 4001. SENSE OF CONGRESS RELATING TO CERTAIN
11 PROJECTS.

12 (a) IN GENERAL.—It is the sense of Congress that—

13 (1) the projects described in subsection (b) are
14 valuable; and

(2) the Corps of Engineers should expeditiously complete the post-authorization change report or report of the Chief of Engineers, as applicable, for each of those projects by the end of 2018.

(b) **PROJECTS DESCRIBED.**—The projects referred to in subsection (a) are each of the following:

(1) PROJECTS FOR WHICH A REPORT OF THE
CHIEF OF ENGINEERS IS EXPECTED.—

23 (A) The project for flood risk management,
24 Lower San Joaquin River, California.

1 (B) The project for coastal storm risk
2 management, Pawcatuck River, Rhode Island,
3 authorized in the matter under the heading
4 “INVESTIGATIONS” under the heading “CORPS
5 OF ENGINEERS—CIVIL” under the heading
6 “DEPARTMENT OF THE ARMY” in title X
7 of division A of the Disaster Relief Appropria-
8 tions Act, 2013 (Public Law 113–2; 127 Stat.
9 23).

10 (C) The project for coastal storm risk
11 management, Hashamomuck Cove, New York,
12 authorized in the matter under the heading
13 “INVESTIGATIONS” under the heading “CORPS
14 OF ENGINEERS—CIVIL” under the heading
15 “DEPARTMENT OF THE ARMY” in title X
16 of division A of the Disaster Relief Appropria-
17 tions Act, 2013 (Public Law 113–2; 127 Stat.
18 23).

19 (D) The project for coastal storm risk
20 management and utilization of dredged mate-
21 rial, Delaware River, Delaware, New Jersey,
22 and Pennsylvania, authorized in the matter
23 under the heading “INVESTIGATIONS” under
24 the heading “CORPS OF ENGINEERS—CIVIL”
25 under the heading “DEPARTMENT OF THE

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1 ARMY” in title X of division A of the Disaster
2 Relief Appropriations Act, 2013 (Public Law
3 113–2; 127 Stat. 23).

4 (E) The project for navigation, Seattle
5 Harbor, Washington, carried out under section
6 216 of the Flood Control Act of 1970 (33
7 U.S.C. 549a).

8 (F) The project for navigation, Three Riv-
9 ers, Arkansas, carried out under section 216 of
10 the Flood Control Act of 1970 (33 U.S.C.
11 549a).

12 (G) The project for navigation, San Juan
13 Harbor, Puerto Rico, described in the study au-
14 thorized by the resolution adopted by the Com-
15 mittee on Transportation and Infrastructure of
16 the House of Representatives on September 20,
17 2006.

18 (H) The project for flood risk management
19 and ecosystem restoration, Española Valley, Rio
20 Grande and tributaries, New Mexico, described
21 in the study authorized by the resolution adopt-
22 ed by the Committee on Environment and Pub-
23 lic Works of the Senate on December 10, 2009.

24 (I) The project for ecosystem restoration,
25 Resacas at Brownsville, Texas, carried out

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1 under section 206 of the Water Resources De-
2 velopment Act of 1996 (33 U.S.C. 2330).

3 (J) The project for flood control, naviga-
4 tion, and ecosystem restoration, Anacostia Wa-
5 tershed, Prince George's County, Maryland, de-
6 scribed in the study authorized by the resolu-
7 tion adopted by the Committee on Public Works
8 and Transportation of the House of Represent-
9 atives on September 8, 1988.

10 (K) The project for flood control, Willam-
11 ette River Basin, Oregon, described in the Wil-
12 lamette River Basin Review Study authorized
13 by the resolution adopted by the Committee on
14 Public Works and Transportation of the House
15 of Representatives on September 8, 1988.

16 (L) The project for flood risk management
17 and coastal storm risk management, Norfolk,
18 Virginia, authorized in the matter under the
19 heading "INVESTIGATIONS" under the heading
20 "CORPS OF ENGINEERS—CIVIL" under the
21 heading "DEPARTMENT OF THE ARMY"
22 in title X of division A of the Disaster Relief
23 Appropriations Act, 2013 (Public Law 113-2;
24 127 Stat. 23).

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1 (M) The project for flood risk manage-
2 ment, Armourdale and Central Industrial Dis-
3 trict Levee Units, Missouri River and Tribu-
4 taries at Kansas City, Kansas, authorized by
5 section 1401(2) of the Water Infrastructure
6 Improvements for the Nation Act (130 Stat.
7 1711) (as modified by section 3504).

8 (N) The project for navigation and hurri-
9 cane and storm damage reduction, Houma,
10 Louisiana, authorized by section 1001(24)(B)
11 of the Water Resources Development Act of
12 2007 (121 Stat. 1053).

13 (O) The project for flood risk manage-
14 ment, Souris River Basin, Minot, North Da-
15 kota, authorized by section 209 of the Flood
16 Control Act of 1966 (80 Stat. 1423).

17 (P) The project for ecosystem restoration,
18 Delta Islands and Levees, California, described
19 in the study authorized by—

20 (i) the resolution adopted by the Com-
21 mittee on Public Works of the Senate on
22 June 1, 1948;

23 (ii) the resolution adopted by the
24 Committee on Public Works of the House
25 of Representatives on May 8, 1948; and

1 (iii) House Report 108-357, accom-
2 panying the Energy and Water Develop-
3 ment Appropriations Act, 2004 (Public
4 Law 108-137; 117 Stat. 1827).

5 (Q) The project for navigation, Norfolk
6 Harbor and Channels, Virginia, authorized by
7 section 201(a) of the Water Resources Develop-
8 ment Act of 1986 (100 Stat. 4090).

9 (2) PROJECTS FOR WHICH A POST-AUTHORIZA-
10 TION CHANGE REPORT IS EXPECTED.—

11 (A) The project for navigation, Chicka-
12 mauga Lock, Tennessee, authorized by section
13 114 of the Energy and Water Development Ap-
14 propriations Act, 2003 (Public Law 108-7; 117
15 Stat. 140).

16 (B) The project for ecosystem restoration,
17 South Florida, Florida, authorized by section
18 601 of the Water Resources Development Act
19 of 2000 (114 Stat. 2680).

20 (C) The project for navigation, Freeport
21 Harbor, Texas, carried out under section 216 of
22 the Flood Control Act of 1970 (33 U.S.C.
23 549a).

24 (D) The project for Soo Locks, Sault
25 Sainte Marie, Michigan, authorized by section

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1 1149 of the Water Resources Development Act
2 of 1986 (100 Stat. 4254; 121 Stat. 1131).

3 (E) The project for ecosystem restoration,
4 Central Everglades, Florida, authorized by sec-
5 tion 1401(4) of the Water Infrastructure Im-
6 provements for the Nation Act (130 Stat.
7 1713).

8 (F) The project for water supply and eco-
9 system restoration, Howard A. Hanson Dam,
10 Washington, authorized by section 204 of the
11 Flood Control Act of 1950 (64 Stat. 180) and
12 modified by section 101(b)(15) of the Water
13 Resources Development Act of 1999 (113 Stat.
14 281).

15 (G) The project for flood risk manage-
16 ment, Green Brook Sub-Basin, Raritan River
17 Basin, New Jersey, authorized by section
18 401(a) of the Water Resources Development
19 Act of 1986 (100 Stat. 4119).

20 (H) The project for shore protection and
21 harbor mitigation, Fort Pierce Beach, Florida,
22 authorized by section 301 of the River and
23 Harbor Act of 1965 (79 Stat. 1092), section
24 102 of the River and Harbor Act of 1968 (82
25 Stat. 732), and section 506(a)(2) of the Water

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1 Resources Development Act of 1996 (110 Stat.
2 3757), and modified by section 313 of the
3 Water Resources Development Act of 1999
4 (113 Stat. 301).

5 (I) The project for flood control, McMicken
6 Dam, Arizona, authorized by section 304 of the
7 Act of August 7, 1953 (67 Stat. 450, chapter
8 342).

9 (J) The project for flood protection, Cave
10 Buttes Dam, Arizona, authorized by section
11 204 of the Flood Control Act of 1965 (79 Stat.
12 1083).

13 (K) The project for navigation, Mississippi
14 River to Shreveport, Louisiana, Red River Wa-
15 terway, authorized by section 101 of the River
16 and Harbor Act of 1968 (82 Stat. 731).

17 **TITLE V—EPA-RELATED**
18 **PROVISIONS**

19 **SEC. 5001. STORMWATER INFRASTRUCTURE FUNDING TASK**
20 **FORCE.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator of the
23 Environmental Protection Agency (referred to in this sec-
24 tion as the “Administrator”) shall establish a voluntary
25 stormwater infrastructure funding task force comprised of

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1 representatives of public, private, and Federal entities to
2 study and develop recommendations to improve the fund-
3 ing and financing of stormwater infrastructure to ensure
4 that—

5 (1) municipalities are able to identify appro-
6 priate funding sources; and

7 (2) funding is—

8 (A) available in all States;

9 (B) affordable (based on the integrated
10 planning guidelines described in the Integrated
11 Municipal Stormwater and Wastewater Plan-
12 ning Approach Framework, issued by the Envi-
13 ronmental Protection Agency and dated June 5,
14 2012); and

15 (C) sufficient to support capital expendi-
16 tures and long-term operation and maintenance
17 costs.

18 (b) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Administrator shall sub-
20 mit to Congress a report that describes the results of the
21 study under subsection (a).

1 **SEC. 5002. REAUTHORIZATION OF THE WATER INFRA-**
2 **STRUCTURE FINANCE AND INNOVATION ACT.**

3 Section 5033 of the Water Infrastructure Finance
4 and Innovation Act of 2014 (33 U.S.C. 3912) is amend-
5 ed—

6 (1) in subsection (a)(5), by striking “for fiscal
7 year 2019” and inserting “for each of fiscal years
8 2019 through 2021”; and

9 (2) in subsection (b), by striking “for each of
10 fiscal years 2015 through 2019” and inserting “for
11 each of fiscal years 2015 through 2021”.

12 **SEC. 5003. INDIAN RESERVATION DRINKING WATER AND**
13 **WASTEWATER PILOT PROGRAM.**

14 (a) **IN GENERAL.**—Subject to the availability of ap-
15 propriations, the Administrator of the Environmental Pro-
16 tection Agency shall carry out a pilot program to imple-
17 ment—

18 (1) 10 eligible projects described in subsection
19 (b) that are within the Upper Missouri River Basin;
20 and

21 (2) 10 eligible projects described in subsection
22 (b) that are within the Upper Rio Grande Basin.

23 (b) **ELIGIBLE PROJECTS.**—A project eligible to par-
24 ticipate in the pilot program under subsection (a) is a
25 project—

1 (1) that is on a reservation (as defined in sec-
2 tion 3 of the Indian Financing Act of 1974 (25
3 U.S.C. 1452)) that serves a federally recognized In-
4 dian Tribe; and

5 (2) the purpose of which is—

6 (A) to connect, expand, or repair existing
7 drinking water lines or water towers in order to
8 improve water quality, pressure, or services; or

9 (B) to replace or refurbish wastewater la-
10 goons that are insufficient for current or near-
11 term community needs or economic growth.

12 (c) REQUIREMENT.—In carrying out the pilot pro-
13 gram under subsection (a)(1), the Administrator of the
14 Environmental Protection Agency shall select not less
15 than 1 eligible project for a reservation that serves more
16 than 1 federally recognized Indian Tribe.

17 **SEC. 5004. TECHNICAL ASSISTANCE FOR TREATMENT**
18 **WORKS.**

19 (a) IN GENERAL.—Title II of the Federal Water Pol-
20 lution Control Act (33 U.S.C. 1281 et seq.) is amended
21 by adding at the end the following:

22 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREAT-**
23 **MENT WORKS.**

24 **“(a) DEFINITIONS.—In this section:**

1 “(1) QUALIFIED NONPROFIT SMALL TREAT-
2 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—

3 The term ‘qualified nonprofit small treatment works
4 technical assistance provider’ means a nonprofit or-
5 ganization that, as determined by the Adminis-
6 trator—

7 “(A) is qualified and experienced in pro-
8 viding training and technical assistance to small
9 treatment works; and

10 “(B) the small treatment works in the
11 State finds to be the most beneficial and effec-
12 tive.

13 “(2) SMALL TREATMENT WORKS.—The term
14 ‘small treatment works’ means a publicly owned
15 treatment works serving not more than 10,000 indi-
16 viduals.

17 “(b) TECHNICAL ASSISTANCE.—The Administrator
18 may use amounts made available to carry out this section
19 to provide grants or cooperative agreements to qualified
20 nonprofit small treatment works technical assistance pro-
21 viders to provide to owners and operators of small treat-
22 ment works onsite technical assistance, circuit rider tech-
23 nical assistance programs, multi-State, regional technical
24 assistance programs, and onsite and regional training, to
25 assist the small treatment works in achieving compliance

1 with this Act or obtaining financing under this Act for
2 eligible projects.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 for grants for small treatment works technical assistance,
6 \$15,000,000 for each of fiscal years 2019 through 2021.

7 **“SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREAT-**
8 **MENT WORKS.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) MEDIUM TREATMENT WORKS.—The term
11 ‘medium treatment works’ means a publicly owned
12 treatment works serving not fewer than 10,001, and
13 not more than 75,000, individuals.

14 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-
15 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
16 The term ‘qualified nonprofit medium treatment
17 works technical assistance provider’ means a quali-
18 fied nonprofit technical assistance provider of water
19 and wastewater services to medium-sized commu-
20 nities that provides technical assistance (including
21 circuit rider technical assistance programs, multi-
22 State, regional assistance programs, and training
23 and preliminary engineering evaluations) to owners
24 and operators of medium treatment works, which
25 may include a State agency.

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“(b) TECHNICAL ASSISTANCE.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit medium treatment works technical assistance providers to provide to owners and operators of medium treatment works onsite technical assistance, circuit-rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training to assist medium treatment works that are facing difficulty in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

12 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section
14 \$10,000,000 for each of fiscal years 2019 through 2021.”.

15 (b) WATER POLLUTION CONTROL REVOLVING LOAN
16 FUNDS.—

17 (1) IN GENERAL.—Section 603 of the Federal
18 Water Pollution Control Act (33 U.S.C. 1383) is
19 amended—

20 (A) in subsection (d)—

(i) in the matter preceding paragraph
(1), by inserting “and as provided in sub-
section (e)” after “State law”;

1 (ii) by redesignating subsections (e)
 2 through (i) as subsections (f) through (j),
 3 respectively; and
 4 (iii) by inserting after subsection (d)
 5 the following:

6 “(e) **ADDITIONAL USE OF FUNDS.**—A State may use
 7 an additional 2 percent of the funds annually allotted to
 8 the State under this section for qualified nonprofit small
 9 treatment works technical assistance providers (as the
 10 term is defined in section 222) and qualified nonprofit me-
 11 dium treatment works technical assistance providers (as
 12 the term is defined in section 223) to provide technical
 13 assistance to small treatment works (as the term is de-
 14 fined in section 222) and medium treatment works (as the
 15 term is defined in section 223) in the State.”.

16 (2) **CONFORMING AMENDMENT.**—Section
 17 221(d) of the Federal Water Pollution Control Act
 18 (33 U.S.C. 1301(d)) is amended by striking “section
 19 603(h)” and inserting “section 603(i)”.

20 **SEC. 5005. CLEAN, SAFE, RELIABLE WATER INFRASTRUC-**
 21 **TURE.**

22 (a) **DRINKING WATER INFRASTRUCTURE.**—

23 (1) **OTHER AUTHORIZED ACTIVITIES.**—Section
 24 1452(k) of the Safe Drinking Water Act (42 U.S.C.
 25 300j–12(k)) is amended—

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1 (A) in paragraph (1)(D), by inserting “and
2 the implementation of plans to protect source
3 water identified in a source water assessment
4 under section 1453” before the period at the
5 end; and

6 (B) in paragraph (2)(E), by inserting “and
7 implement plans to protect source water identi-
8 fied in a source water assessment under section
9 1453” after “wellhead protection programs”.

10 (2) NEGOTIATION OF CONTRACTS.—Section
11 1452 of the Safe Drinking Water Act (42 U.S.C.
12 300j–12) is amended by adding at the end the fol-
13 lowing:

14 “(s) NEGOTIATION OF CONTRACTS.—For commu-
15 nities with populations of more than 10,000 individuals,
16 a contract to be carried out using funds directly made
17 available by a capitalization grant under this section for
18 program management, construction management, feasi-
19 bility studies, preliminary engineering, design, engineer-
20 ing, surveying, mapping, or architectural or related serv-
21 ices shall be negotiated in the same manner as—

22 “(1) a contract for architectural and engineer-
23 ing services is negotiated under chapter 11 of title
24 40, United States Code; or

1 “(2) an equivalent State qualifications-based re-
2 quirement (as determined by the Governor of the
3 State).”.

4 (3) WATERSENSE PROGRAM.—The Safe Drink-
5 ing Water Act (42 U.S.C. 300j et seq.) is amended
6 by adding after part F the following:

7 **“PART G—ADDITIONAL PROVISIONS**

8 **“SEC. 1471. WATERSENSE PROGRAM.**

9 “(a) ESTABLISHMENT OF WATERSENSE PRO-
10 GRAM.—

11 “(1) IN GENERAL.—There is established within
12 the Agency a voluntary WaterSense program to
13 identify and promote water-efficient products, build-
14 ings, landscapes, facilities, processes, and services
15 that, through voluntary labeling of, or other forms
16 of communications regarding, products, buildings,
17 landscapes, facilities, processes, and services while
18 meeting strict performance criteria, sensibly—

19 “(A) reduce water use;

20 “(B) reduce the strain on public and com-
21 munity water systems and wastewater and
22 stormwater infrastructure;

23 “(C) conserve energy used to pump, heat,
24 transport, and treat water; and

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1 “(D) preserve water resources for future
2 generations.

3 “(2) INCLUSIONS.—The Administrator shall,
4 consistent with this section, identify water-efficient
5 products, buildings, landscapes, facilities, processes,
6 and services, including categories such as—

7 “(A) irrigation technologies and services;

8 “(B) point-of-use water treatment devices;

9 “(C) plumbing products;

10 “(D) reuse and recycling technologies;

11 “(E) landscaping and gardening products,
12 including moisture control or water enhancing
13 technologies;

14 “(F) xeriscaping and other landscape con-
15 versions that reduce water use;

16 “(G) whole house humidifiers; and

17 “(H) water-efficient buildings or facilities.

18 “(b) DUTIES.—The Administrator, coordinating as
19 appropriate with the Secretary of Energy, shall—

20 “(1) establish—

21 “(A) a WaterSense label to be used for
22 items meeting the certification criteria estab-
23 lished in accordance with this section; and

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1 “(B) the procedure, including the methods
2 and means, and criteria by which an item may
3 be certified to display the WaterSense label;

4 “(2) enhance public awareness regarding the
5 WaterSense label through outreach, education, and
6 other means;

7 “(3) preserve the integrity of the WaterSense
8 label by—

9 “(A) establishing and maintaining feasible
10 performance criteria so that products, build-
11 ings, landscapes, facilities, processes, and serv-
12 ices labeled with the WaterSense label perform
13 as well or better than less water-efficient coun-
14 terparts;

15 “(B) overseeing WaterSense certifications
16 made by third parties, which shall be inde-
17 pendent third-party product certification bodies
18 accredited by an accreditation entity domiciled
19 in the United States, such as the American Na-
20 tional Standards Institute, as achieving—

21 “(i) the requirements described in the
22 document of the International Organiza-
23 tion for Standardization and the Inter-
24 national Electrotechnical Commission enti-
25 tled ‘ISO/IEC 17065 Conformity assess-

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1 ment—Requirements for bodies certifying
2 products, processes and services’ and dated
3 September 2012; and

4 “(ii) the applicable WaterSense re-
5 quirements;

6 “(C) as determined appropriate by the Ad-
7 ministrator, using testing protocols, from the
8 appropriate, applicable, and relevant consensus
9 standards, for the purpose of determining
10 standards compliance; and

11 “(D) auditing the use of the WaterSense
12 label in the marketplace and preventing cases of
13 misuse;

14 “(4) not more frequently than every 6 years
15 after adoption or major revision of any WaterSense
16 specification, review and, if appropriate, revise the
17 specification to achieve additional water savings;

18 “(5) in revising a WaterSense specification—

19 “(A) provide reasonable notice to inter-
20 ested parties and the public of any changes, in-
21 cluding effective dates, and an explanation of
22 the changes;

23 “(B) solicit comments from interested par-
24 ties and the public prior to any changes;

1 “(C) as appropriate, respond to comments
2 submitted by interested parties and the public;
3 and

4 “(D) provide an appropriate transition
5 time prior to the applicable effective date of any
6 changes, taking into account the timing nec-
7 essary for the manufacture, marketing, train-
8 ing, and distribution of the specific water-effi-
9 cient product, building, landscape, process, or
10 service category being addressed; and

11 “(6) not later than December 31, 2019, con-
12 sider for review and revision any WaterSense speci-
13 fication adopted before January 1, 2012.

14 “(c) TRANSPARENCY.—The Administrator shall, to
15 the maximum extent practicable and not less than annu-
16 ally, regularly estimate and make available to the public
17 savings of water, energy, and capital costs of water, waste-
18 water, and stormwater attributable to the use of
19 WaterSense-labeled products, buildings, landscapes, facili-
20 ties, processes, and services.

21 “(d) DISTINCTION OF AUTHORITIES.—In setting or
22 maintaining specifications for Energy Star pursuant to
23 section 324A of the Energy Policy and Conservation Act
24 (42 U.S.C. 6294a), and WaterSense under this section,
25 the Secretary of Energy and the Administrator shall co-

1 ordinate to prevent duplicative or conflicting requirements
2 among the respective programs.

3 “(e) NO WARRANTY.—A WaterSense label shall not
4 create an express or implied warranty.”.

5 (b) SEWER OVERFLOW CONTROL GRANTS.—Section
6 221 of the Federal Water Pollution Control Act (33
7 U.S.C. 1301) is amended—

8 (1) in subsection (a), by striking the subsection
9 designation and heading and all that follows through
10 “subject to subsection (g), the Administrator may”
11 in paragraph (2) and inserting the following:

12 “(a) AUTHORITY.—The Administrator may—

13 “(1) make grants to States for the purpose of
14 providing grants to a municipality or municipal enti-
15 ty for planning, designing, and constructing—

16 “(A) treatment works to intercept, trans-
17 port, control, or treat municipal combined sewer
18 overflows and sanitary sewer overflows; and

19 “(B) measures to manage, reduce, treat, or
20 recapture stormwater or subsurface drainage
21 water; and

22 “(2) subject to subsection (g),”;

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking the semi-
25 colon at the end and inserting “; or”;

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1 (B) by striking paragraphs (2) and (3);

2 and

3 (C) by redesignating paragraph (4) as
4 paragraph (2);

5 (3) by striking subsections (e) through (g) and
6 inserting the following:

7 “(e) ADMINISTRATIVE REQUIREMENTS.—

8 “(1) IN GENERAL.—Subject to paragraph (2), a
9 project that receives grant assistance under sub-
10 section (a) shall be carried out subject to the same
11 requirements as a project that receives assistance
12 from a State water pollution control revolving fund
13 established pursuant to title VI.

14 “(2) DETERMINATION OF GOVERNOR.—The re-
15 quirement described in paragraph (1) shall not apply
16 to a project that receives grant assistance under
17 subsection (a) to the extent that the Governor of the
18 State in which the project is located determines that
19 a requirement described in title VI is inconsistent
20 with the purposes of this section.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$225,000,000 for each of fiscal years 2019 and 2020, to
24 remain available until expended.

1 “(g) ALLOCATION OF FUNDS.—For each of fiscal
2 years 2019 and 2020, subject to subsection (h), the Ad-
3 ministrator shall use the amounts made available to carry
4 out this section to provide grants to municipalities and
5 municipal entities under subsection (a)(2)—

6 “(1) in accordance with the priority criteria de-
7 scribed in subsection (b); and

8 “(2) with additional priority given to proposed
9 projects that involve the use of—

10 “(A) nonstructural, low-impact develop-
11 ment;

12 “(B) water conservation, efficiency, or
13 reuse; or

14 “(C) other decentralized stormwater or
15 wastewater approaches to minimize flows into
16 the sewer systems.”; and

17 (4) by striking subsection (i).

18 **SEC. 5006. WATER INFRASTRUCTURE FLEXIBILITY.**

19 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
20 tion, the term “Administrator” means the Administrator
21 of the Environmental Protection Agency.

22 (b) INTEGRATED PLANS.—

23 (1) INTEGRATED PLANS.—Section 402 of the
24 Federal Water Pollution Control Act (33 U.S.C.

1 1342) is amended by adding at the end the fol-
2 lowing:

3 “(s) INTEGRATED PLAN PERMITS.—

4 “(1) DEFINITIONS.—In this subsection:

5 “(A) GREEN INFRASTRUCTURE.—The
6 term ‘green infrastructure’ means the range of
7 measures that use plant or soil systems, per-
8 meable pavement or other permeable surfaces
9 or substrates, stormwater harvest and reuse, or
10 landscaping to store, infiltrate, or
11 evapotranspire stormwater and reduce flows
12 to sewer systems or to surface waters.

13 “(B) INTEGRATED PLAN.—The term ‘inte-
14 grated plan’ has the meaning given in Part III
15 of the Integrated Municipal Stormwater and
16 Wastewater Planning Approach Framework,
17 issued by the Environmental Protection Agency
18 and dated June 5, 2012.

19 “(C) MUNICIPAL DISCHARGE.—

20 “(i) IN GENERAL.—The term ‘munic-
21 ipal discharge’ means a discharge from a
22 treatment works (as defined in section
23 212) or a discharge from a municipal
24 storm sewer under subsection (p).

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1 “(ii) INCLUSION.—The term ‘municipal discharge’ includes a discharge of
2 wastewater or storm water collected from
3 multiple municipalities if the discharge is
4 covered by the same permit issued under
5 this section.
6

7 “(2) INTEGRATED PLAN.—

8 “(A) IN GENERAL.—The Administrator (or
9 a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.
13

14 “(B) SCOPE OF PERMIT INCORPORATING
15 INTEGRATED PLAN.—A permit issued under
16 this subsection that incorporates an integrated
17 plan may integrate all requirements under this
18 Act addressed in the integrated plan, including
19 requirements relating to—

20 “(i) a combined sewer overflow;

21 “(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

22 “(iii) a municipal stormwater discharge;
23
24
25

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1 “(iv) a municipal wastewater dis-
2 charge; and

3 “(v) a water quality-based effluent
4 limitation to implement an applicable
5 wasteload allocation in a total maximum
6 daily load.

7 “(3) COMPLIANCE SCHEDULES.—

8 “(A) IN GENERAL.—A permit for a munic-
9 ipal discharge by a municipality that incor-
10 porates an integrated plan may include a sched-
11 ule of compliance, under which actions taken to
12 meet any applicable water quality-based effluent
13 limitation may be implemented over more than
14 1 permit term if the compliance schedules are
15 authorized by State water quality standards.

16 “(B) INCLUSION.—Actions subject to a
17 compliance schedule under subparagraph (A)
18 may include green infrastructure if imple-
19 mented as part of a water quality-based effluent
20 limitation.

21 “(C) REVIEW.—A schedule of compliance
22 may be reviewed each time the permit is re-
23 newed.

24 “(4) EXISTING AUTHORITIES RETAINED.—

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1 “(A) APPLICABLE STANDARDS.—Nothing
2 in this subsection modifies any obligation to
3 comply with applicable technology and water
4 quality-based effluent limitations under this
5 Act.

6 “(B) FLEXIBILITY.—Nothing in this sub-
7 section reduces or eliminates any flexibility
8 available under this Act, including the authority
9 of—

10 “(i) a State to revise a water quality
11 standard after a use attainability analysis
12 under section 131.10(g) of title 40, Code
13 of Federal Regulations (or a successor reg-
14 ulation), subject to the approval of the Ad-
15 ministrator under section 303(c); and

16 “(ii) the Administrator or a State to
17 authorize a schedule of compliance that ex-
18 tends beyond the date of expiration of a
19 permit term if the schedule of compliance
20 meets the requirements of section 122.47
21 of title 40, Code of Federal Regulations
22 (as in effect on the date of enactment of
23 this subsection).

24 “(5) CLARIFICATION OF STATE AUTHORITY.—

1 “(A) IN GENERAL.—Nothing in section
2 301(b)(1)(C) precludes a State from author-
3 izing in the water quality standards of the
4 State the issuance of a schedule of compliance
5 to meet water quality-based effluent limitations
6 in permits that incorporate provisions of an in-
7 tegrated plan.

8 “(B) TRANSITION RULE.—In any case in
9 which a discharge is subject to a judicial order
10 or consent decree as of the date of enactment
11 of the America’s Water Infrastructure Act of
12 2018 resolving an enforcement action under
13 this Act, any schedule of compliance issued pur-
14 suant to an authorization in a State water qual-
15 ity standard shall not revise a schedule of com-
16 pliance in that order or decree unless the order
17 or decree is modified by agreement of the par-
18 ties and the court.”.

19 (2) MUNICIPAL OMBUDSMAN.—

20 (A) ESTABLISHMENT.—There is estab-
21 lished within the Office of the Administrator an
22 Office of the Municipal Ombudsman.

23 (B) GENERAL DUTIES.—The duties of the
24 municipal ombudsman shall include the provi-
25 sion of—

1 (i) technical assistance to municipali-
2 ties seeking to comply with the Federal
3 Water Pollution Control Act (33 U.S.C.
4 1251 et seq.) and the Safe Drinking Water
5 Act (42 U.S.C. 300f et seq.); and

6 (ii) information to the Administrator
7 to help the Administrator ensure that
8 agency policies are implemented by all of-
9 fices of the Environmental Protection
10 Agency, including regional offices.

11 (C) ACTIONS REQUIRED.—The municipal
12 ombudsman shall work with appropriate offices
13 at the headquarters and regional offices of the
14 Environmental Protection Agency to ensure
15 that the municipality seeking assistance is pro-
16 vided information—

17 (i) about available Federal financial
18 assistance for which the municipality is eli-
19 gible;

20 (ii) about flexibility available under
21 the Federal Water Pollution Control Act
22 (33 U.S.C. 1251 et seq.) and, if applicable,
23 the Safe Drinking Water Act (42 U.S.C.
24 300f et seq.); and

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1 (iii) regarding the opportunity to de-
2 velop an integrated plan, as defined in sec-
3 tion 402(s)(1)(B) of the Federal Water
4 Pollution Control Act (as added by para-
5 graph (1)).

6 (D) INFORMATION SHARING.—The munic-
7 ipal ombudsman shall publish on the website of
8 the Environmental Protection Agency—

9 (i) general information relating to—

10 (I) the technical assistance re-
11 ferred to in subparagraph (B)(i);

12 (II) the financial assistance re-
13 ferred to in subparagraph (C)(i);

14 (III) the flexibility referred to in
15 subparagraph (C)(ii); and

16 (IV) any resources related to in-
17 tegrated plans developed by the Ad-
18 ministrator; and

19 (ii) a copy of each permit, order, or
20 judicial consent decree that implements or
21 incorporates an integrated plan.

22 (3) MUNICIPAL ENFORCEMENT.—Section 309
23 of the Federal Water Pollution Control Act (33
24 U.S.C. 1319) is amended by adding at the end the
25 following:

1 “(h) IMPLEMENTATION OF INTEGRATED PLANS
2 THROUGH ENFORCEMENT TOOLS.—

3 “(1) IN GENERAL.—In conjunction with an en-
4 forcement action under subsection (a) or (b) relating
5 to municipal discharges, the Administrator shall in-
6 form a municipality of the opportunity to develop an
7 integrated plan (as defined in section 402(s)).

8 “(2) MODIFICATION.—Any municipality under
9 an administrative order under subsection (a) or set-
10 tlement agreement (including a judicial consent de-
11 cree) under subsection (b) that has developed an in-
12 tegrated plan consistent with section 402(s) may re-
13 quest a modification of the administrative order or
14 settlement agreement based on that integrated
15 plan.”.

16 “(4) REPORT TO CONGRESS.—Not later than 2
17 years after the date of enactment of this Act, the
18 Administrator shall submit to the Committee on En-
19 vironment and Public Works of the Senate and the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives and make publicly
22 available a report on each integrated plan developed
23 and implemented through a permit, order, or judicial
24 consent decree since the date of publication of the
25 “Integrated Municipal Stormwater and Wastewater

1 Planning Approach Framework” issued by the Envi-
2 ronmental Protection Agency and dated June 5,
3 2012, including a description of the control meas-
4 ures, levels of control, estimated costs, and compli-
5 ance schedules for the requirements implemented
6 through an integrated plan.

7 (c) GREEN INFRASTRUCTURE PROMOTION.—Title V
8 of the Federal Water Pollution Control Act (33 U.S.C.
9 1361 et seq.) is amended—

10 (1) by redesignating section 519 (33 U.S.C.
11 1251 note) as section 520; and

12 (2) by inserting after section 518 (33 U.S.C.
13 1377) the following:

14 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
15 **INFRASTRUCTURE PROMOTION.**

16 “(a) IN GENERAL.—The Administrator shall ensure
17 that the Office of Water, the Office of Enforcement and
18 Compliance Assurance, the Office of Research and Devel-
19 opment, and the Office of Policy of the Environmental
20 Protection Agency promote the use of green infrastructure
21 in and coordinate the integration of green infrastructure
22 into, permitting programs, planning efforts, research,
23 technical assistance, and funding guidance.

24 “(b) DUTIES.—The Administrator shall ensure that
25 the Office of Water—

1 “(1) promotes the use of green infrastructure in
2 the programs of the Environmental Protection Agen-
3 cy; and

4 “(2) coordinates efforts to increase the use of
5 green infrastructure with—

6 “(A) other Federal departments and agen-
7 cies;

8 “(B) State, tribal, and local governments;
9 and

10 “(C) the private sector.

11 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
12 MOTION.—The Administrator shall direct each regional of-
13 fice of the Environmental Protection Agency, as appro-
14 priate based on local factors, and consistent with the re-
15 quirements of this Act, to promote and integrate the use
16 of green infrastructure within the region that includes—

17 “(1) outreach and training regarding green in-
18 frastructure implementation for State, tribal, and
19 local governments, tribal communities, and the pri-
20 vate sector; and

21 “(2) the incorporation of green infrastructure
22 into permitting and other regulatory programs,
23 codes, and ordinance development, including the re-
24 quirements under consent decrees and settlement
25 agreements in enforcement actions.

1 “(d) GREEN INFRASTRUCTURE INFORMATION SHAR-
2 ING.—The Administrator shall promote green infrastruc-
3 ture information sharing, including through an Internet
4 website, to share information with, and provide technical
5 assistance to, State, tribal, and local governments, tribal
6 communities, the private sector, and the public regarding
7 green infrastructure approaches for—

8 “(1) reducing water pollution;

9 “(2) protecting water resources;

10 “(3) complying with regulatory requirements;

11 and

12 “(4) achieving other environmental, public
13 health, and community goals.”.

14 (d) FINANCIAL CAPABILITY GUIDANCE.—

15 (1) DEFINITIONS.—In this subsection:

16 (A) AFFORDABILITY.—The term “afford-
17 ability” means, with respect to payment of a
18 utility bill, a measure of whether an individual
19 customer or household can pay the bill without
20 undue hardship or unreasonable sacrifice in the
21 essential lifestyle or spending patterns of the in-
22 dividual or household, as determined by the Ad-
23 ministrator.

24 (B) FINANCIAL CAPABILITY.—The term
25 “financial capability” means the financial capa-

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1 bility of a community to make investments nec-
2 essary to make water quality or drinking water
3 improvements.

4 (C) GUIDANCE.—The term “guidance”
5 means the guidance published by the Adminis-
6 trator entitled “Combined Sewer Overflows—
7 Guidance for Financial Capability Assessment
8 and Schedule Development” and dated Feb-
9 ruary 1997, as applicable to the combined
10 sewer overflows and sanitary sewer overflows
11 guidance published by the Administrator enti-
12 tled “Financial Capability Assessment Frame-
13 work” and dated November 24, 2014.

14 (2) USE OF MEDIAN HOUSEHOLD INCOME.—
15 The Administrator shall not use median household
16 income as the sole indicator of affordability for a
17 residential household.

18 (3) REVISED GUIDANCE.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of completion of the National
21 Academy of Public Administration study to es-
22 tablish a definition and framework for commu-
23 nity affordability required by Senate Report
24 114–70, accompanying S. 1645 (114th Con-

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1 gress), the Administrator shall revise the guid-
2 ance described in paragraph (1)(C).

3 (B) USE OF GUIDANCE.—Beginning on the
4 date on which the revised guidance referred to
5 in subparagraph (A) is finalized, the Adminis-
6 trator shall use the revised guidance in lieu of
7 the guidance described in paragraph (1)(C).

8 (4) CONSIDERATION AND CONSULTATION.—

9 (A) CONSIDERATION.—In revising the
10 guidance, the Administrator shall consider—

11 (i) the recommendations of the study
12 referred to in paragraph (3)(A) and any
13 other relevant study, as determined by the
14 Administrator;

15 (ii) local economic conditions, includ-
16 ing site-specific local conditions that should
17 be taken into consideration in analyzing fi-
18 nancial capability;

19 (iii) other essential community invest-
20 ments;

21 (iv) potential adverse impacts on dis-
22 tressed populations, including the percent-
23 age of low-income ratepayers within the
24 service area of a utility and impacts in
25 communities with disparate economic con-

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1 ditions throughout the entire service area
2 of a utility;

3 (v) the degree to which rates of low-
4 income consumers would be affected by
5 water infrastructure investments, the use
6 of rate structures, and customer assistance
7 programs to address the rates of low-in-
8 come consumers;

9 (vi) an evaluation of an array of fac-
10 tors, the relative importance of which may
11 vary across regions and localities; and

12 (vii) the appropriate weight for eco-
13 nomic, public health, and environmental
14 benefits.

15 (B) CONSULTATION.—Any revised guid-
16 ance issued to replace the guidance shall be de-
17 veloped in consultation with stakeholders.

18 (5) PUBLICATION AND SUBMISSION.—

19 (A) IN GENERAL.—On completion of the
20 revision of the guidance, the Administrator
21 shall publish in the Federal Register and sub-
22 mit to the Committee on Environment and
23 Public Works of the Senate and the Committee
24 on Transportation and Infrastructure of the
25 House of Representatives the revised guidance.

1 (B) EXPLANATION.—If the Administrator
2 makes a determination not to follow 1 or more
3 recommendations of the study referred to in
4 paragraph (3)(A), the Administrator shall in-
5 clude in the publication and submission under
6 paragraph (1) an explanation of that decision.

7 (6) EFFECT.—Nothing in this subsection pre-
8 empts or interferes with any obligation to comply
9 with any Federal law, including the Federal Water
10 Pollution Control Act (33 U.S.C. 1251 et seq.).

11 **SEC. 5007. WATER RESOURCES RESEARCH ACT AMEND-**
12 **MENTS.**

13 (a) CONGRESSIONAL FINDINGS AND DECLARA-
14 TIONS.—Section 102 of the Water Resources Research
15 Act of 1984 (42 U.S.C. 10301) is amended—

16 (1) by redesignating paragraphs (7) through
17 (9) as paragraphs (8) through (10), respectively;

18 (2) in paragraph (8) (as so redesignated), by
19 striking “and” at the end; and

20 (3) by inserting after paragraph (6) the fol-
21 lowing:

22 “(7) additional research is required into in-
23 creasing the effectiveness and efficiency of new and
24 existing treatment works through alternative ap-
25 proaches, including—

1 “(A) nonstructural alternatives;
 2 “(B) decentralized approaches;
 3 “(C) energy use efficiency;
 4 “(D) water use efficiency; and
 5 “(E) actions to extract energy from waste-
 6 water;”.

7 (b) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
 8 tion 104(b)(1) of the Water Resources Research Act of
 9 1984 (42 U.S.C. 10303(b)(1)) is amended—

10 (1) in subparagraph (B)(ii), by striking “water-
 11 related phenomena” and inserting “water re-
 12 sources”; and

13 (2) in subparagraph (D), by striking the period
 14 at the end and inserting “; and”.

15 (c) COMPLIANCE REPORT.—Section 104(c) of the
 16 Water Resources Research Act of 1984 (42 U.S.C.
 17 10303(c)) is amended—

18 (1) by striking “(c) From the” and inserting
 19 the following:

20 “(c) GRANTS.—

21 “(1) IN GENERAL.—From the”; and

22 (2) by adding at the end the following:

23 “(2) REPORT.—Not later than December 31 of
 24 each fiscal year, the Secretary shall submit to the
 25 Committee on Environment and Public Works of the

1 Senate, the Committee on the Budget of the Senate,
2 the Committee on Transportation and Infrastructure
3 of the House of Representatives, and the Committee
4 on the Budget of the House of Representatives a re-
5 port regarding the compliance of each funding re-
6 cipient with this subsection for the immediately pre-
7 ceding fiscal year.”.

8 (d) EVALUATION OF WATER RESOURCES RESEARCH
9 PROGRAM.—Section 104 of the Water Resources Research
10 Act of 1984 (42 U.S.C. 10303) is amended by striking
11 subsection (e) and inserting the following:

12 “(e) EVALUATION OF WATER RESOURCES RESEARCH
13 PROGRAM.—

14 “(1) IN GENERAL.—The Secretary shall con-
15 duct a careful and detailed evaluation of each insti-
16 tute at least once every 3 years to determine—

17 “(A) the quality and relevance of the water
18 resources research of the institute;

19 “(B) the effectiveness of the institute at
20 producing measured results and applied water
21 supply research; and

22 “(C) whether the effectiveness of the insti-
23 tute as an institution for planning, conducting,
24 and arranging for research warrants continued
25 support under this section.

1 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
2 as a result of an evaluation under paragraph (1), the
3 Secretary determines that an institute does not qual-
4 ify for further support under this section, no further
5 grants to the institute may be provided until the
6 qualifications of the institute are reestablished to the
7 satisfaction of the Secretary.”.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
9 104(f)(1) of the Water Resources Research Act of 1984
10 (42 U.S.C. 10303(f)(1)) is amended by striking
11 “\$12,000,000 for each of fiscal years 2007 through 2011”
12 and inserting “\$7,500,000 for each of fiscal years 2019
13 through 2021”.

14 (f) ADDITIONAL APPROPRIATIONS WHERE RE-
15 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
16 NATURE.—Section 104(g)(1) of the Water Resources Re-
17 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
18 in the first sentence, by striking “\$6,000,000 for each of
19 fiscal years 2007 through 2011” and inserting
20 “\$1,500,000 for each of fiscal years 2019 through 2021”.

21 **SEC. 5008. STUDY ON INTRACTABLE WATER SYSTEMS.**

22 Part E of the Safe Drinking Water Act (42 U.S.C.
23 300j et seq.) is amended by adding at the end the fol-
24 lowing:

1 **"SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.**

2 “(a) **DEFINITION OF INTRACTABLE WATER SYS-**
3 **TEM.**—In this section, the term ‘intractable water system’
4 means a community water system or a noncommunity
5 water system—

6 “(1) that serves fewer than 1,000 individuals;
7 and

8 “(2) the owner or operator of which—

9 “(A) is unable or unwilling to provide safe
10 and adequate service to those individuals;

11 “(B) has abandoned or effectively aban-
12 doned the community water system or non-
13 community water system, as applicable;

14 “(C) has defaulted on a financial obliga-
15 tion relating to the community water system or
16 noncommunity water system, as applicable;

17 “(D) fails to maintain the facilities of the
18 community water system or noncommunity
19 water system, as applicable, in a manner so as
20 to prevent a potential public health hazard; or

21 “(E) is in significant noncompliance with
22 this Act or any regulation promulgated pursu-
23 ant to this Act.

24 “(b) **STUDY REQUIRED.**—

25 “(1) **IN GENERAL.**—Not later than 2 years
26 after the date of enactment of this section, the Ad-

1 administrator, in consultation with the Secretary of
2 Agriculture and the Secretary of Health and Human
3 Services, shall complete a study that—

4 “(A) identifies intractable water systems;
5 and

6 “(B) describes barriers to delivery of pota-
7 ble water to individuals served by an intractable
8 water system.

9 “(2) REPORT TO CONGRESS.—Not later than 2
10 years after the date of enactment of this section, the
11 Administrator shall submit to Congress a report de-
12 scribing findings and recommendations based on the
13 study under this subsection.

14 “(c) COMPLIANCE INCENTIVE.—Section 1414(h)(2)
15 shall apply to any person carrying out a plan to address
16 an intractable water system that is approved by—

17 “(1) in the case of a State with primary en-
18 forcement responsibility under section 1413, the
19 State; or

20 “(2) in the case of a State that does not have
21 primary enforcement responsibility, the Adminis-
22 trator.”.

23 **SEC. 5009. NATIONAL ONSITE WASTEWATER RECYCLING.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that providing communities with the knowledge and

1 resources necessary to fully use decentralized wastewater
2 systems can provide affordable wastewater recycling and
3 treatment to millions of people in the United States.

4 (b) DEFINITION OF ADMINISTRATOR.—In this sec-
5 tion, the term “Administrator” means the Administrator
6 of the Environmental Protection Agency.

7 (c) WASTEWATER TECHNOLOGY CLEARINGHOUSE.—

8 (1) IN GENERAL.—The Administrator shall—

9 (A) for each of the programs described in
10 paragraph (2), update the information for those
11 programs to include information on cost-effec-
12 tive and alternative wastewater recycling and
13 treatment systems, including onsite and decen-
14 tralized systems; and

15 (B) disseminate to units of local govern-
16 ment and nonprofit organizations seeking Fed-
17 eral funds for wastewater systems information
18 on the cost effectiveness of alternative waste-
19 water treatment and recycling systems, includ-
20 ing onsite and decentralized systems.

21 (2) PROGRAMS DESCRIBED.—The programs re-
22 ferred to in paragraph (1)(A) are programs that
23 provide technical assistance for wastewater manage-
24 ment, including—

1 (A) programs for nonpoint source manage-
2 ment under section 319 of the Federal Water
3 Pollution Control Act (33 U.S.C. 1329);

4 (B) the permit program for the disposal of
5 sewer sludge under section 405 of the Federal
6 Water Pollution Control Act (33 U.S.C. 1345);

7 (C) technical assistance for small public
8 water systems under section 1442(e) of the
9 Safe Drinking Water Act (42 U.S.C. 300j-
10 2(e)); and

11 (D) other programs of the Administrator
12 that provide technical assistance for wastewater
13 management.

14 (d) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
15 CATION.—

16 (1) CLEAN WATER STATE REVOLVING FUNDS.—
17 Section 603 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1383) (as amended by section
19 5004(b)(1)) is amended by adding at the end the
20 following:

21 “(k) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
22 CATION.—In providing assistance from the water pollution
23 control revolving fund of the State established in accord-
24 ance with this title for a project for a wastewater system
25 serving a population of not more than 2,500, the State

1 shall ensure that an entity receiving assistance from the
2 water pollution control revolving fund of the State certifies
3 that the entity has considered an individual or shared on-
4 site, decentralized wastewater system as an alternative
5 wastewater system.”.

6 (2) WIFIA.—Section 5028(a) of the Water In-
7 frastructure Finance and Innovation Act of 2014
8 (33 U.S.C. 3907(a)) is amended by adding at the
9 end the following:

10 “(7) ALTERNATIVE WASTEWATER SYSTEM CER-
11 TIFICATION.—In the case of a project carried out by
12 the Administrator, the Administrator shall ensure
13 that, for a project for a wastewater system serving
14 a population of not more than 2,500, the eligible en-
15 tity receiving financial assistance certifies that the
16 eligible entity has considered an individual or shared
17 onsite, decentralized wastewater system as an alter-
18 native wastewater system.”.

19 (3) WATER AND WASTE DISPOSAL LOAN &
20 GRANT PROGRAM.—Section 306(a) of the Consoli-
21 dated Farm and Rural Development Act (7 U.S.C.
22 1926(a)) is amended by adding at the end the fol-
23 lowing:

24 “(27) ALTERNATIVE WASTEWATER SYSTEM
25 CERTIFICATION.—The Secretary shall ensure that,

1 for a wastewater project serving a population of not
2 more than 2,500, the recipient of the financial as-
3 sistance certifies that the recipient has considered an
4 individual or shared onsite, decentralized wastewater
5 system as an alternative wastewater system.”.

6 (e) REPORT TO CONGRESS.—Not later than 1 year
7 after the date of enactment of this Act, and not less fre-
8 quently than every 3 years thereafter, the Administrator
9 shall submit to Congress a report that describes—

10 (1) the amount of financial assistance provided
11 by State water pollution control revolving funds es-
12 tablished under title VI of the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1381 et seq.) to deploy
14 decentralized wastewater recycling technology;

15 (2) the barriers impacting greater use of decen-
16 tralized wastewater recycling technologies;

17 (3) the cost-saving potential to communities
18 and future infrastructure investments from further
19 deployment of decentralized wastewater recycling
20 technology;

21 (4) the environmental benefits to the commu-
22 nity and groundwater quality from additional invest-
23 ments in decentralized wastewater recycling; and

1 (5) the actions taken by the Administrator to
2 assist States in identifying eligible projects using de-
3 centralized wastewater recycling technology.

4 **SEC. 5010. WATER INFRASTRUCTURE AND WORKFORCE IN-**
5 **VESTMENT.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) water and wastewater utilities provide a
9 unique opportunity for access to stable, high-quality
10 careers;

11 (2) as water and wastewater utilities make crit-
12 ical investments in infrastructure, water and waste-
13 water utilities can invest in the development of local
14 workers and local small businesses to strengthen
15 communities and ensure a strong pipeline of skilled
16 and diverse workers for today and tomorrow; and

17 (3) to further the goal of ensuring a strong
18 pipeline of skilled and diverse workers in the water
19 and wastewater utilities sector, Congress urges—

20 (A) increased collaboration among Federal,
21 State, and local governments; and

22 (B) institutions of higher education, ap-
23 prentice programs, high schools, and other com-
24 munity-based organizations to align workforce
25 training programs and community resources

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1 with water and wastewater utilities to accelerate
2 career pipelines and provide access to workforce
3 opportunities.

4 (b) DEFINITION OF INTRACTABLE WATER SYS-
5 TEM.—In this section, the term “intractable water sys-
6 tem” means a community water system or a noncommu-
7 nity water system (as those terms are defined in section
8 1401 of the Safe Drinking Water Act (42 U.S.C. 300f))
9 that—

10 (1) that serves fewer than 1,000 individuals;

11 and

12 (2) the owner or operator of which—

13 (A) is unable or unwilling to provide safe
14 and adequate service to those individuals;

15 (B) has abandoned or effectively aban-
16 doned the community water system or non-
17 community water system, as applicable;

18 (C) has defaulted on a financial obligation
19 relating to the community water system or non-
20 community water system, as applicable;

21 (D) fails to maintain the facilities of the
22 community water system or noncommunity
23 water system, as applicable, in a manner so as
24 to prevent a potential public health hazard; or

1 (E) is in significant noncompliance with
2 the Safe Drinking Water Act (42 U.S.C. 300f
3 et seq.) or any regulation promulgated pursuant
4 to that Act.

5 (c) INNOVATIVE WATER INFRASTRUCTURE WORK-
6 FORCE DEVELOPMENT PROGRAM.—

7 (1) GRANTS AUTHORIZED.—The Administrator
8 of the Environmental Protection Agency (referred to
9 in this section as the “Administrator”) and the Sec-
10 retary shall establish a competitive grant program to
11 assist the development of innovative activities relat-
12 ing to workforce development in the water utility
13 sector.

14 (2) SELECTION OF GRANT RECIPIENTS.—In
15 awarding grants under paragraph (1), the Adminis-
16 trator or the Secretary, as applicable, shall, to the
17 maximum extent practicable, select—

18 (A) water utilities that—

19 (i) are geographically diverse;

20 (ii) address the workforce and human
21 resources needs of large and small public
22 water and wastewater utilities;

23 (iii) address the workforce and human
24 resources needs of urban and rural public
25 water and wastewater utilities;

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1 (iv) advance training relating to con-
2 struction, utility operations, treatment and
3 distribution, green infrastructure, customer
4 service, maintenance, and engineering; and

5 (v)(I) have a high retiring workforce
6 rate; or

7 (II) are located in areas with a high
8 unemployment rate; or

9 (B) intractable water systems.

10 (3) USE OF FUNDS.—Grants awarded under
11 paragraph (1) may be used for activities such as—

12 (A) targeted internship, apprenticeship,
13 preapprenticeship, and post-secondary bridge
14 programs for mission-critical skilled trades, in
15 collaboration with labor organizations, commu-
16 nity colleges, and other training and education
17 institutions that provide—

18 (i) on-the-job training;

19 (ii) soft and hard skills development;

20 (iii) test preparation for skilled trade
21 apprenticeships; or

22 (iv) other support services to facilitate
23 post-secondary success;

24 (B) kindergarten through 12th grade and
25 young adult education programs that—

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1 , (i) educate young people about the
2 role of water and wastewater utilities in
3 the communities of the young people;

4 (ii) increase the career awareness and
5 exposure of the young people to water util-
6 ity careers through various work-based
7 learning opportunities inside and outside
8 the classroom; and

9 (iii) connect young people to post-sec-
10 ondary career pathways related to water
11 utilities;

12 (C) regional industry and workforce devel-
13 opment collaborations to identify water utility
14 employment needs, map existing career path-
15 ways, support the development of curricula, fa-
16 cilitate the sharing of resources, and coordinate
17 candidate development, staff preparedness ef-
18 forts, and activities that engage and support—

19 (i) water utilities employers;

20 (ii) educational and training institu-
21 tions;

22 (iii) local community-based organiza-
23 tions;

24 (iv) public workforce agencies; and

25 (v) other related stakeholders;

1 (D) integrated learning laboratories em-
2 bedded in high schools or other secondary edu-
3 cational institutions that provide students
4 with—

5 (i) hands-on, contextualized learning
6 opportunities;

7 (ii) dual enrollment credit for post-
8 secondary education and training pro-
9 grams; and

10 (iii) direct connection to industry em-
11 ployers; and

12 (E) leadership development, occupational
13 training, mentoring, or cross-training programs
14 that ensure that incumbent water and waste-
15 water utilities workers are prepared for higher-
16 level supervisory or management-level positions.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$1,000,000 for each of fiscal years 2019 and 2020.

20 **SEC. 5011. SENSE OF CONGRESS RELATING TO STATE RE-**
21 **VOLVING FUNDS.**

22 It is the sense of Congress that Congress should pro-
23 vide robust funding of capitalization grants to States to
24 fund drinking water treatment revolving loan funds estab-
25 lished under section 1452 of the Safe Drinking Water Act

1 (42 U.S.C. 300j–12) and the State water pollution control
2 revolving funds established under title VI of the Federal
3 Water Pollution Control Act (33 U.S.C. 1381 et seq.).

4 **SEC. 5012. GAO STUDY ON WIFIA PROJECTS IN SMALL COM-**
5 **MUNITIES, RURAL COMMUNITIES, DISADVAN-**
6 **TAGED COMMUNITIES, AND TRIBAL COMMU-**
7 **NITIES.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Comptroller General of the United States
10 shall—

11 (1) conduct a study on how to create flexibility
12 under the Water Infrastructure Finance and Innova-
13 tion Act (33 U.S.C. 3901 et seq.) for small commu-
14 nities, rural communities, disadvantaged commu-
15 nities, and Tribal communities, including—

16 (A) ways to improve access to assistance
17 under that Act for those communities; and

18 (B) how to lower the burden of applying
19 for assistance under that Act for those commu-
20 nities; and

21 (2) submit to Congress a report that describes
22 the results of the study under paragraph (1).

1 **SEC. 5013. AMERICAN IRON AND STEEL PRODUCTS.**

2 Section 1452(a)(4)(A) of the Safe Drinking Water
3 Act (42 U.S.C. 300j-12(a)(4)(A)) is amended by striking
4 “During fiscal year 2017, funds” and inserting “Funds”.

5 **SEC. 5014. SENSE OF CONGRESS RELATING TO ACCESS TO**
6 **NONPOTABLE WATER.**

7 It is the sense of Congress that—

8 (1) access to nonpotable water sources for in-
9 dustry can relieve the supply and demand challenges
10 for potable water in water-stressed regions through-
11 out the United States; and

12 (2) water users are encouraged to continue im-
13 plementing and incentivizing nonpotable water reuse
14 programs that will achieve greater water savings and
15 conservation needs.

16 **SEC. 5015. INNOVATIVE FINANCING FOR STATE LOAN**
17 **FUNDS.**

18 (a) **IN GENERAL.**—The Water Infrastructure Fi-
19 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
20 seq.) is amended by adding at the end the following:

21 **“SEC. 5036. INNOVATIVE FINANCING FOR STATE LOAN**
22 **FUNDS.**

23 **“(a) DEFINITION OF STATE LOAN FUNDS.**—In this
24 section, the term ‘State loan funds’ means—

1 “(1) State drinking water treatment revolving
2 loan funds established under section 1452 of the
3 Safe Drinking Water Act (42 U.S.C. 300j–12); and

4 “(2) State water pollution control revolving
5 funds established under title VI of the Federal
6 Water Pollution Control Act (33 U.S.C. 1381 et
7 seq.).

8 “(b) FINANCIAL ASSISTANCE TO STATE LOAN
9 FUNDS.—The Administrator may provide financial assist-
10 ance under this section to State infrastructure financing
11 authorities for State loan funds to carry out water and
12 wastewater infrastructure projects in accordance with this
13 section.

14 “(c) ELIGIBLE ACTIVITIES.—

15 “(1) IN GENERAL.—The following activities
16 may be carried out by a State infrastructure financ-
17 ing authority with financial assistance made avail-
18 able under this section:

19 “(A) One or more activities that are in-
20 cluded in the intended use plan under section
21 606(c) of the Federal Water Pollution Control
22 Act (33 U.S.C. 1386(c)).

23 “(B) One or more activities that are in-
24 cluded in the project priority list of the in-
25 tended use plan under section 1452(b) of the

1 Safe Drinking Water Act (42 U.S.C. 300j–
2 12(b)).

3 “(2) ADMINISTRATIVE COSTS.—Financial as-
4 sistance provided under this section may be used to
5 pay the reasonable costs of administration related to
6 that financial assistance.

7 “(3) APPLICATION FEES.—Section 5029(b)(7)
8 shall not apply to financial assistance made available
9 under this section.

10 “(4) TREATMENT OF PROJECTS.—In deter-
11 mining whether to provide financial assistance under
12 this section, the Administrator shall consider a
13 project to be all of the activities included in an in-
14 tended use plan described in subparagraph (A) or
15 (B) of paragraph (1).

16 “(5) STATE AND LOCAL DECISIONMAKING.—A
17 State infrastructure financing authority that receives
18 financial assistance under this section may use the
19 assistance for any activity included in an intended
20 use plan described in subparagraph (A) or (B) of
21 paragraph (1).

22 “(d) REQUIREMENTS.—

23 “(1) IN GENERAL.—Except as otherwise pro-
24 vided in this section, the requirements and proce-

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1 dures under this subtitle shall apply to a project
2 under this section.

3 “(2) INTEREST RATE.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the interest rate on a se-
6 cured loan provided under this section shall be
7 equal to the yield on United States Treasury se-
8 curities of a similar maturity to the maturity of
9 the secured loan on the date of execution of the
10 loan agreement.

11 “(B) CERTAIN STATES.—

12 “(i) IN GENERAL.—In the case of a
13 State described in clause (ii)—

14 “(I) the interest rate on a se-
15 cured loan provided under this section
16 shall be 80 percent of the interest rate
17 under subparagraph (A); but

18 “(II) if there is not sufficient de-
19 mand for loans under this subpara-
20 graph (as determined by the Adminis-
21 trator), the Administrator may pro-
22 vide a secured loan at an interest rate
23 that is not less than 50 percent and
24 not more than 80 percent of the inter-
25 est rate under subparagraph (A), as

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1 determined by the Administrator with
2 respect to each loan.

3 “(ii) STATES DESCRIBED.—A State
4 referred to in clause (i) is a State—

5 “(I) that received less than 2
6 percent of the total amount of funds
7 made available to States for the State
8 loan funds for the most recent fiscal
9 year for which data is available; or

10 “(II) for which the President has
11 declared a major disaster in accord-
12 ance with section 401 of the Robert
13 T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C.
15 5170) during the period beginning on
16 January 1, 2017, and ending on the
17 date of enactment of this section, if
18 the secured loan is for a project re-
19 lated to wastewater or drinking water
20 infrastructure damaged by the major
21 disaster.

22 “(C) DISTRIBUTION OF LOANS.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), of the total amount of

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1 funds made available to provide secured
2 loans under this section—

3 “(I) 50 percent shall be provided
4 for secured loans at the interest rate
5 described in subparagraph (A); and

6 “(II) 50 percent shall be provided
7 for secured loans at the interest rate
8 described in subparagraph (B)(i) to
9 States described in subparagraph
10 (B)(ii).

11 “(ii) REALLOCATION.—For any fiscal
12 year, if amounts for loans described in ei-
13 ther of subclause (I) or (II) of clause (i)
14 remain available, the Administrator may
15 reallocate the amounts to be used for loans
16 described in either of subclause (I) or (II)
17 of that clause, as applicable, to meet appli-
18 cant demand.

19 “(3) CERTAIN STATE REVIEWS.—

20 “(A) IN GENERAL.—A project under this
21 section shall comply with any applicable State
22 environmental or engineering review require-
23 ments pursuant to, as applicable—

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1 “(i) title VI of the Federal Water Pol-
2 lution Control Act (33 U.S.C. 1381 et
3 seq.);

4 “(ii) section 1452 of the Safe Drink-
5 ing Water Act (42 U.S.C. 300j-12);

6 “(iii) section 35.3140 of title 40, Code
7 of Federal Regulations (or successor regu-
8 lations); and

9 “(iv) section 35.3580 of title 40, Code
10 of Federal Regulations (or successor regu-
11 lations).

12 “(B) NO NEW REVIEWS REQUIRED.—
13 Nothing in this section requires any additional
14 or new environmental or engineering review for
15 a project under this section other than any re-
16 quirement otherwise applicable to the project.

17 “(4) FEDERAL SHARE.—Notwithstanding sec-
18 tion 5029(b)(9), financial assistance for a project
19 under this section may be used to pay up to 100
20 percent of the costs of the project.

21 “(5) LIMITATION ON LOANS UNDER MULTIPLE
22 PROGRAMS.—

23 “(A) IN GENERAL.—A State infrastructure
24 financing authority—

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1 “(i) may apply for financial assistance
2 under both this section and under this sub-
3 title (other than this section); but

4 “(ii) may accept financial assistance
5 from only 1 program described in clause
6 (i).

7 “(B) WITHDRAWAL; TIMING.—

8 “(i) WITHDRAWAL.—On a decision to
9 accept financial assistance under this sec-
10 tion or under this subtitle (other than this
11 section), a State infrastructure financing
12 authority shall withdraw the application of
13 the State infrastructure financing author-
14 ity from the program that the State infra-
15 structure financing authority does not se-
16 lect.

17 “(ii) TIMING.—A State infrastructure
18 financing authority shall not be required to
19 withdraw under clause (i) before decisions
20 on the applications of the State infrastruc-
21 ture financing authority under this section
22 and under this subtitle (other than this
23 section) have been made.

24 “(e) EXPEDITED REVIEW OF APPLICATIONS.—Not
25 later than 180 days after the date on which the Adminis-

1 trator receives a complete application for a project under
2 this section, the Administrator shall, through a written no-
3 tice to the State infrastructure financing authority—

4 “(1) approve the application; or

5 “(2) provide detailed guidance and an expla-
6 nation of any changes to the application necessary
7 for approval of the application.

8 “(f) FUNDING.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—

10 “(A) IN GENERAL.—There is authorized to
11 be appropriated to the Administrator to carry
12 out this section \$100,000,000 for each of fiscal
13 years 2019 and 2020, to remain available until
14 expended.

15 “(B) SENSE OF CONGRESS.—It is the
16 sense of Congress that the amounts authorized
17 to be appropriated to carry out this section will
18 support, for each fiscal year—

19 “(i) \$5,000,000,000 in secured loans
20 at the interest rate described in subsection
21 (d)(2)(A); and

22 “(ii) \$425,000,000 in secured loans at
23 the interest rate described in subsection
24 (d)(2)(B)(i).

25 “(2) ADMINISTRATIVE COSTS.—

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1 “(A) IN GENERAL.—Of the funds made
2 available to carry out this section, the Adminis-
3 trator may use for the administration of this
4 section, including for the provision of technical
5 assistance to aid State infrastructure financing
6 authorities in obtaining the necessary approvals
7 for eligible activities, not more than \$5,000,000
8 for each of fiscal years 2019 and 2020.

9 “(B) FEE WAIVERS.—

10 “(i) IN GENERAL.—Of the funds
11 made available to carry out this section,
12 the Administrator may use for costs re-
13 lated to processing and reviewing applica-
14 tions, including underwriting, such
15 amounts as are necessary for each of fiscal
16 years 2019 and 2020, to remain available
17 until expended.

18 “(ii) OTHER FEES.—The funds under
19 clause (i) shall be used in lieu of fees col-
20 lected under section 5030(b).

21 “(3) NO IMPACT ON OTHER FEDERAL FUND-
22 ING.—No funds shall be made available to carry out
23 this section if—

24 “(A) the total amount made available for
25 a fiscal year for the State loan funds is less

1 than the total amount made available for those
2 funds for fiscal year 2018; and

3 “(B) the amount made available for a fis-
4 cal year for assistance under this subtitle (other
5 than this section) is less than the amount made
6 available for that assistance for fiscal year
7 2018.

8 “(4) SUPPLEMENT, NOT SUPPLANT.—Amounts
9 made available to carry out this section shall be used
10 to supplement, and not supplant—

11 “(A) funds made available to carry out this
12 subtitle (other than this section);

13 “(B) funds made available to carry out
14 section 1452 of the Safe Drinking Water Act
15 (42 U.S.C. 300j–12); and

16 “(C) funds made available to carry out
17 title VI of the Federal Water Pollution Control
18 Act (33 U.S.C. 1381 et seq.).

19 “(g) DISTRIBUTION AND ALLOTMENT OF FUNDS.—

20 “(1) DISTRIBUTION OF FUNDS.—In deter-
21 mining the distribution of amounts between the
22 State loan funds, the Administrator shall—

23 “(A) provide financial assistance based on
24 need; and

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1 “(B) give equal consideration to drinking
2 water projects and wastewater projects.

3 “(2) ALLOTMENT.—Notwithstanding section
4 5028(b), in providing financial assistance under this
5 section, the Administrator shall—

6 “(A) for each fiscal year, ensure that each
7 State infrastructure financing authority that
8 submits an application under this section for a
9 project described in subparagraph (A) or (B) of
10 subsection (c)(1) receives financial assistance
11 under this section; but

12 “(B) provide financial assistance under
13 subparagraph (A) in amounts based on need, as
14 determined by the Administrator.

15 “(h) TRANSPARENCY.—

16 “(1) IN GENERAL.—For each fiscal year, the
17 Administrator shall make available on the website of
18 the Administrator—

19 “(A) a list of each application received
20 under this section;

21 “(B) a list of each application approved
22 under this section;

23 “(C) the criteria and methods used for se-
24 lection of projects under this section; and

1 “(D) the terms of the financial assistance
2 provided for each project under this section.

3 “(2) REPORT.—Not later than 180 days after
4 the date on which the Administrator first provides
5 financial assistance for a project under this section
6 and each year thereafter, the Administrator shall
7 submit to the Committee on Environment and Pub-
8 lic Works of the Senate and the Committee on
9 Transportation and Infrastructure of the House of
10 Representatives a detailed report that includes—

11 “(A) the information described in subpara-
12 graphs (A) through (D) of paragraph (1); and

13 “(B) a detailed explanation of why each
14 project was approved.

15 “(i) SUNSET.—The authority to provide assistance
16 under this section shall terminate on September 30,
17 2020.”.

18 (b) FUNDING.—Section 5033 of the Water Infra-
19 structure Finance and Innovation Act of 2014 (33 U.S.C.
20 3912) is amended by inserting “(other than section
21 5036)” after “this subtitle” each place it appears.

22 (c) REMOVAL OF PILOT DESIGNATION.—

23 (1) Subtitle C of title V of the Water Resources
24 Reform and Development Act of 2014 (33 U.S.C.

1 3901 et seq.) is amended by striking the subtitle
 2 designation and heading and inserting the following:

3 **“Subtitle C—Innovative Financing**
 4 **Projects”.**

5 (2) Section 5023 of the Water Infrastructure
 6 Finance and Innovation Act of 2014 (33 U.S.C.
 7 3902) is amended by striking “pilot” each place it
 8 appears.

9 (3) Section 5034 of the Water Infrastructure
 10 Finance and Innovation Act of 2014 (33 U.S.C.
 11 3913) is amended by striking the section designation
 12 and heading and inserting the following:

13 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

14 (4) The table of contents for the Water Re-
 15 sources Reform and Development Act of 2014 (Pub-
 16 lic Law 113–121; 128 Stat. 1195) is amended—

17 (A) by striking the item relating to subtitle
 18 C of title V and inserting the following:

“Subtitle C—Innovative Financing Projects”;

19 (B) by striking the item relating to section
 20 5034 and inserting the following:

“Sec. 5034. Reports on program implementation.”;

21 and

22 (C) by inserting after the item relating to
 23 section 5035 the following:

“Sec. 5036. Innovative financing for State loan funds.”.

1 **SEC. 5016. WATER INFRASTRUCTURE RESILIENCY AND SUS-**
2 **TAINABILITY.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **ADMINISTRATOR.**—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) **HYDROLOGIC CONDITIONS.**—The term “hy-
8 drologic conditions” means the quality, quantity, or
9 reliability of the water resources of a region of the
10 United States.

11 (3) **OWNER OR OPERATOR OF A WATER SYS-**
12 **TEM.**—

13 (A) **IN GENERAL.**—The term “owner or
14 operator of a water system” means an entity
15 (including a regional, State, interstate, Tribal,
16 local, municipal, intermunicipal, or private enti-
17 ty) that owns or operates a water system.

18 (B) **INCLUSION.**—The term “owner or op-
19 erator of a water system” includes—

20 (i) a non-Federal entity that has oper-
21 ational responsibilities for a federally, trib-
22 ally, or State-owned water system; and

23 (ii) an entity established by an agree-
24 ment between—

25 (I) an entity that owns or oper-
26 ates a water system; and

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1 (II) at least 1 other entity.

2 (4) WATER SYSTEM.—The term “water sys-
3 tem” means—

4 (A) a community water system (as defined
5 in section 1401 of the Safe Drinking Water Act
6 (42 U.S.C. 300f));

7 (B) a treatment works (as defined in sec-
8 tion 212 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1292)), including a municipal
10 separate storm sewer system (as the term is
11 used in the Federal Water Pollution Control
12 Act (33 U.S.C. 1251 et seq.));

13 (C) a decentralized wastewater treatment
14 system for domestic sewage;

15 (D) a groundwater storage and replenish-
16 ment system;

17 (E) a system for the conservation of water
18 or for the transport and delivery of water for ir-
19 rigation; or

20 (F) a natural or engineered system that
21 manages floodwaters.

22 (b) ESTABLISHMENT.—The Administrator shall es-
23 tablish and carry out a program, to be known as the
24 “Water Infrastructure Resiliency and Sustainability Pro-
25 gram”, under which the Administrator shall award grants

1 in each of fiscal years 2019 and 2020 to owners or opera-
2 tors of water systems for the purpose of increasing the
3 resiliency or adaptability of the systems to any ongoing
4 or forecasted changes (based on the best available research
5 and data) to the hydrologic conditions of a region of the
6 United States.

7 (c) USE OF FUNDS.—An owner or operator of a
8 water system may only use grant funds received under a
9 grant under this section to assist in the planning, design,
10 construction, implementation, operation, or maintenance
11 of a program or project that meets the purpose described
12 in subsection (b) through—

13 (1) the conservation of water or the enhance-
14 ment of water use efficiency, including through the
15 use of water metering and electronic sensing and
16 control systems to measure the effectiveness of a
17 water efficiency program;

18 (2) the modification or relocation of existing
19 water system infrastructure made or projected to be
20 significantly impaired by changing hydrologic condi-
21 tions;

22 (3) the preservation or improvement of water
23 quality, including through measures to manage, re-
24 duce, treat, or reuse municipal stormwater, waste-
25 water, or drinking water;

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1 (4) the investigation, design, or construction of
2 groundwater remediation, recycled water, or desali-
3 nation facilities or systems to serve existing commu-
4 nities;

5 (5) the enhancement of water management by
6 increasing watershed preservation and protection, in-
7 cluding through the use of natural or engineered
8 green infrastructure in the management, conveyance,
9 or treatment of water, wastewater, or stormwater;

10 (6) the enhancement of energy efficiency or the
11 use and generation of renewable energy in the man-
12 agement, conveyance, or treatment of water, waste-
13 water, or stormwater;

14 (7) the adoption and use of advanced water
15 treatment, water supply management (such as res-
16 ervoir reoperation and water banking), or water de-
17 mand management technologies, projects, or proc-
18 esses (such as water reuse and recycling, adaptive
19 conservation pricing, and groundwater banking) that
20 maintain or increase water supply or improve water
21 quality;

22 (8) the modification or replacement of existing
23 systems or the construction of new systems for exist-
24 ing communities or land currently in agricultural

1 production to improve water supply, reliability, stor-
2 age, or conveyance;

3 (9) practices and projects, such as improved ir-
4 rigation systems, water banking and other forms of
5 water transactions, groundwater recharge,
6 stormwater capture, groundwater conjunctive use,
7 and reuse or recycling of drainage water, to improve
8 water quality or promote more efficient water use on
9 land currently in agricultural production;

10 (10) the reduction of flood damage, risk, and
11 vulnerability through—

12 (A) the restoration of floodplains, wet-
13 lands, and uplands integral to flood manage-
14 ment, protection, prevention, and response;

15 (B) the modification of levees, floodwalls,
16 and other structures to reduce risks associated
17 with rising sea levels or to facilitate reconnec-
18 tion of rivers to floodplains, reduce flood stage
19 height, and reduce damage to properties and
20 populations;

21 (C) providing for the acquisition and ease-
22 ment of flood-prone lands and properties in
23 order to reduce damage to property and risk to
24 populations; or

1 (D) the promotion of land use planning
2 that prevents future floodplain development;

3 (11) carrying out studies or assessments to
4 project how changing hydrologic conditions may im-
5 pact the future operations and sustainability of
6 water systems; or

7 (12) the development and implementation of
8 measures to increase the resilience of water systems
9 and regional and hydrological basins to rapid hydro-
10 logic change or a natural disaster.

11 (d) APPLICATION.—To seek a grant under this sec-
12 tion, the owner or operator of a water system shall submit
13 to the Administrator an application that—

14 (1) includes a proposal of the program or
15 project to be planned, designed, constructed, imple-
16 mented, operated, or maintained by the water sys-
17 tem;

18 (2) cites the best available research or data that
19 demonstrate—

20 (A) the risk to the water resources or in-
21 frastructure of the water system as a result of
22 ongoing or forecasted changes to the
23 hydrological system of a region, including rising
24 sea levels and changes in precipitation patterns;
25 and

1 (B) how the proposed program or project
2 would perform under the anticipated hydrologic
3 conditions; and

4 (3) explains how the proposed program or
5 project is expected—

6 (A) to enhance the resiliency of the water
7 system to the anticipated hydrologic conditions;
8 or

9 (B) to increase efficiency in the use of en-
10 ergy or water of the water system.

11 (e) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—

12 (1) IN GENERAL.—If an applicant for a grant
13 under this section is not a State or local govern-
14 ment, an agency or instrumentality of a State or
15 local government, or a Tribal government or consor-
16 tium of Tribal governments, the program or project
17 to be planned, designed, constructed, implemented,
18 operated, or maintained through the grant shall be
19 publicly sponsored.

20 (2) PUBLIC SPONSORSHIP.—A program or
21 project shall be considered to be publicly sponsored
22 under paragraph (1) if the applicant demonstrates,
23 to the satisfaction of the Administrator, that—

24 (A) the applicant has consulted with the
25 affected State, local, or Tribal government in

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1 which the program or project is located, or that
2 is otherwise affected by the program or project;
3 and

4 (B) the government described in subpara-
5 graph (A) supports the program or project.

6 (f) PRIORITY; DIVERSITY OF PROJECT TYPES.—In
7 selecting recipients of a grant under this section, the Ad-
8 ministrators shall—

9 (1) give priority to owners or operators of water
10 systems—

11 (A) that are, based on the best available
12 research and data, at the greatest and most im-
13 mediate risk of facing significant negative im-
14 pacts due to changing hydrologic conditions;
15 and

16 (B) whose proposed projects would most
17 effectively deliver long-term solutions to those
18 risks; and

19 (2) ensure that grants are awarded each fiscal
20 year for a diverse range of programs and projects
21 described in paragraphs (1) through (12) of sub-
22 section (c).

23 (g) COST-SHARING.—

24 (1) FEDERAL SHARE.—The Federal share of
25 the cost of a program or project carried out using

1 a grant made under subsection (b) shall be not more
2 than 75 percent.

3 (2) CALCULATION OF NON-FEDERAL SHARE.—

4 In calculating the non-Federal share of the cost of
5 a program or project under paragraph (1), the Ad-
6 ministrator shall—

7 (A) include the value of any in-kind serv-
8 ices that are integral to the completion of the
9 program or project, including reasonable admin-
10 istrative and overhead costs; and

11 (B) not include any other amount that the
12 water system involved receives from the Federal
13 Government.

14 (h) REPORT TO CONGRESS.—Not later than 3 years
15 after the date of enactment of this Act, the Administrator
16 shall submit to Congress a report on progress in carrying
17 out this section, including information on project applica-
18 tions received and funded annually.

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$12,500,000 for each of fiscal years 2019 and 2020.

America's Water Infrastructure Act of 2018*****SUBSTITUTE*******Section-by-Section****Sec.1. Short title; table of contents.****Sec.2. Definition of Secretary.**

This section defines the "Secretary" under this Act as the Secretary of the Army.

Sec.1001. Corps budgeting.

This section requires that the United States Army Corps of Engineers (the Corps) headquarters and districts provide Congress with a work plan and four year projected budget on an annual basis.

This section will provide an additional opportunity for projects or initiatives of regional, tribal or local significance to receive appropriations. This section amends the project qualification process by allowing the Corps to advance projects in a secondary process. The process will also increase public participation and increase transparency and accountability.

Sec.1002. National Academy studies.

This section requires the National Academy of Sciences to conduct studies to examine how the Corps can increase transparency in cooperating with Congress, State and local units of government, and local stakeholders, as well as other cost-share partners, government agencies, and stakeholders.

This section also calls for studies to be conducted to determine whether the Congress should use a system-wide authorization process for water resources development projects (as opposed to a project-based process), and whether the present structure and organization of the Corps is the most effective for its continued operation or whether the Corps structure and organization should be modified.

Sec.1003. GAO study on benefit-cost analysis reforms.

This section requires that the Comptroller General of the United States (the Comptroller General) conduct and submit to Congress a study on the benefit-cost procedures of the Secretary and the Director of OMB within 1 year after enactment of America's Water Infrastructure Act of 2018. The study should include (1) an examination of the benefits that the Secretary and Director do and do not include in the benefit-cost calculation, as well as (2) an evaluation of navigation benefits included and not included in the calculation for non-commercial harbors for military training purposes.

Sec.1004. Transparency and accountability in cost-sharing for water resources projects.

This section amends the current Corps cost-sharing requirements for feasibility studies and project construction to require that whenever a local cost-share is required for a water resources development project, each Corps district is required to maintain a balance sheet of the funding for the project. The Corps must provide the balance sheet to the non-Federal sponsor upon request.

This section requires that if a project comes in under-budget, the relevant share of the funds must be credited back to the non-Federal sponsor in the appropriate cost-share ratio. Further, the non-Federal interest may use the excess funds as its cost-share for other Corps projects or its cost-share for operation and maintenance of a project for which a non-Federal cost-share is required.

Sec.1005. Non-Federal sponsor reimbursements.

This section mandates that in the case of a project executed by the Secretary under an existing agreement resulting in the non-Federal sponsor having unreimbursed funds, on the request of the non-Federal sponsor, the Secretary has two options: to either (1) credit the unreimbursed funds to the non-Federal operation and maintenance cost-share for that project, or the non-Federal cost-share requirement of that non-Federal sponsor for another project to be carried out by the Secretary or (2) reimburse the funds to the non-Federal sponsor.

Sec.1006. Challenge cost-sharing program for the management of recreation facilities.

This section amends section 225(c) of WRDA 1992 so that a non-Federal private entity, like non-Federal public entities, may enter into cooperative agreements with the Secretary to collect user fees for the development of recreation sites and facilities. This would be regardless of whether the site and facilities were developed or constructed by the non-Federal entity or Department of the Army.

Under this section a non-Federal private entity may potentially retain up to 100 percent of the collected fees, as determined by the Secretary, and must use them for the operation, maintenance, and management activities at the recreation site at which the fee is collected.

The section also states that the non-Federal private entity is bound to all the same regulations and requirements as a non-Federal public entity.

Sec.1007. Cost estimates.

This section amends section 2008 of WRDA 2007 in order to prevent the retroactive application of an increased non-Federal cost-share in situations where construction on a Corps project has already begun prior to the increase in non-Federal cost-share.

Sec.1008. Retroactive changes to cost-sharing agreements.

This section addresses study costs incurred by a non-Federal interest prior to the execution of a feasibility cost-sharing agreement for an aquatic ecosystem restoration project under section 206 of WRDA 1996.

Pursuant to this section of America's Water Infrastructure Act of 2018, the entire study cost shall be at Federal expense as long as the study was initiated before October 1, 2006, and the feasibility cost-sharing agreement was not executed before January 1, 2014.

Sec.1009. Project partnership agreements.

This section directs the Secretary to better define and describe operation and maintenance, repair, replacement, and rehabilitation (OMRR&R) costs in future project partnership agreements so that a non-Federal sponsor understands its obligations.

Sec.1010. Study and report on expediting certain waiver processes.

This section mandates that the Secretary provide a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 1 year of enactment of America's Water Infrastructure Act of 2018. The report will concern how to improve and expedite the waiver process for the non-Federal cost share under section 116 of the Energy and Water Development and Related Agencies Appropriations Act of 2010 (P.L. 111-85; 123 Stat. 2851). Communities with little economic base that cannot afford to raise a non-Federal cost-share use the waiver process.

Sec.1011. Feasibility studies for mitigation of storm damage.

This section amends section 105(a)(1) of WRDA 1986 in the case of a feasibility study for a project for the mitigation of damage to an area affected by weather or other events. If (1) the Secretary provided emergency response under section 5 of the Flood Control Act of 1941, or the area received disaster assistance under the Stafford Act during the 8-year period preceding the enactment of America's Water Infrastructure Act of 2018, and (2) there is a significant risk for future similar events, then the Federal cost-share of the feasibility study will be between 50 and 100 percent.

Sec.1012. Extended community assistance by the Corps of Engineers.

This section amends section 5(a) of the Flood Control Act of 1941 to provide disaster operations assistance for Indian tribes and Alaskan native corporations. It authorizes communities to petition the Secretary for assistance beyond the 30-day period of a project under 33 C.F.R. 203.61(b)(8), and requires the Secretary to increase resiliency. It also allows the Secretary to reduce the minimum non-Federal cost-sharing requirement of 45 percent if the financial situation of the non-Federal sponsor of a project warrants a reduction, and stipulates that the Secretary may not impose a non-Federal cost-sharing requirement on a project serving a disadvantaged community (as defined in section 1452(d) of the Safe Drinking Water Act).

This section contains a sunset provision ending the authority of the Secretary to provide extended assistance 2 years after enactment of America's Water Infrastructure Act of 2018.

Sec.1013. Advanced funds for water resources development studies and projects.

This section amends the Act of October 15, 1940. It expands the authority of the Secretary to accept funds from a State (as defined, to include a federally recognized Indian tribe or a tribal organization under 25 U.S.C. 5304) to carry out water resources projects so that it is applicable to all project purposes beyond flood risk management and navigation (e.g., aquatic ecosystem restoration, coastal storm damage reduction, etc.).

Sec.1014. Implementation guidance.

This section directs the Secretary to issue guidance to implement the provisions of the WRRDA 2014 and WIIN 2016 within 120 days after the date of enactment of America's Water Infrastructure Act of 2018, unless a lack of appropriated funds prevents the issuance of implementation guidance. This requirement only applies to provisions of WRRDA 2014 and WIIN 2016 for which the Corps has not already issued implementation guidance as of enactment of America's Water Infrastructure Act of 2018.

Sec.1015. Implementation guidance for this Act.

This section requires that any implementation guidance issued to carry out America's Water Infrastructure Act of 2018, or any amendments made by it with respect to a provision of law under the jurisdiction of the Secretary, must be issued within 1 year of enactment of America's Water Infrastructure Act of 2018, and be subjected to public comment. The public comments and a review of their consideration shall be provided to the Committee on Environment and Public Works after issuance of the guidance. This section does not apply to a provision of law for which a lack of appropriated funds prevents the issuance of implementation guidance.

Sec.1016. Easements for certain rural electric, telephone, and broadband service facilities.

This section amends section 1172 of WIIN 2016. It requires that the Secretary grant an easement across water resources development project land for the electric, telephone, or broadband service facilities of a nonprofit organization that is eligible for financing under 7 U.S.C. 901 et. seq. The easement cannot interfere with the safe functioning of the project and the placement of the easement is at the Secretary's discretion.

Sec.1017. Corps capabilities.

This section states that the Secretary shall conduct the study currently authorized by section 936 of WRDA 1986 and complete it within 1 year. The purpose is to study and evaluate the measures necessary to increase the capabilities of the Corps to undertake the planning and construction of water resources projects on an expedited basis and to comply with all requirements of law applicable to the Corps' water resources program.

Sec.1018. Project authorization funding lines.

This section directs the Secretary to ensure that a project follows implementation requirements that apply to the business line under which it was originally authorized, in cases where a project is subsequently budgeted under a different business line.

Sec.1019. Consolidation of studies; report.

This section requires the Secretary to complete a study and report to Congress within 1 year of enactment of America's Water Infrastructure Act of 2018 on potential unintended consequences of section 1002 of WRRDA 2014. The goal is to ensure that section 1002 of WRRDA 2014, as well as amendments made by that section, do not limit the Corps' available options to fund work related to feasibility scoping, project management planning, and review plan development.

Section 1002 of WRRDA 2014 repealed requirements that the Corps of Engineers conduct a reconnaissance study prior to initiating a feasibility study. It also created an accelerated process that allows non-Federal project sponsors and the Corps to proceed directly to the feasibility study. At any point during a feasibility study, the Secretary can terminate the study when it is clear that a project in the public interest is not possible for technical, legal, or financial reasons.

Sec.1020. Non-Federal study and construction of projects.

This section amends section 203(e) of WRDA 1986 to clarify that if the Federal portion of the cost-share is paid by a non-Federal interest, then the Corps is required to provide the requested technical assistance on any aspect of a feasibility study. Receipt of Corps technical assistance is not to be construed as an approval or endorsement of a feasibility report. It also does not abrogate the Secretary's independent responsibility to review the feasibility study for compliance with Federal laws and regulations and to make recommendations to Congress on the plan or design of the project.

Sec.1021. Reports to Congress.

This section requires that if the Secretary fails to provide a completed report or study called for under America's Water Infrastructure Act of 2018 by 180 days after the applicable date that \$5,000 must be reprogrammed from the General Expenses account of the civil works program of the Corps, and an additional \$5,000 each week thereafter. The total amount per study or report cannot exceed \$50,000 in any fiscal year and the total amount reprogrammed per study or report cannot exceed \$100,000.

This section allows the Secretary to avoid the reprogramming of funds if the Secretary certifies to Congress that either a major modification has been made to the content of the report or study; funds to carry out the report or study were not appropriated; or additional information is required for the Corps to complete it in a timely manner.

Sec.1022. Disposition studies.

This section requires that the Secretary carry out any disposition study for a Corps project in a transparent manner. This includes offering opportunities for public input during the study, and publishing and making publicly available final disposition studies.

Sec.1023. Natural infrastructure.

This section requires that in each feasibility study carried out by the Secretary for a flood risk management or hurricane and storm damage risk reduction project, the Secretary must consider the use of both traditional and natural infrastructure alternatives, alone or in conjuncture with each other, if those alternatives are practicable.

Sec.1024. Watercraft inspection stations.

This section directs the Secretary to establish, operate, and maintain new or existing watercraft inspection stations intended to prevent the spread of aquatic invasive species. It increases to \$30 million the Corps' authorization for watercraft inspection stations on the Columbia River Basin. It also provides \$30 million in authorized appropriations for inspection stations in the Upper Missouri River Basin.

Sec.1025. Reauthorization of non-Federal implementation pilot program.

This section extends the authorizations and appropriations of the non-Federal implementation pilot programs at \$50 million for each of fiscal years 2020 through 2021. These pilot programs evaluate the cost-effectiveness and project delivery efficiency of non-Federal interests carrying out feasibility studies and the construction of projects for flood risk management, hurricane and storm damage reduction, ecosystem restoration, and coastal harbor and channel and inland harbor navigation.

Sec.1026. Project studies subject to independent peer review.

This section extends the statutory obligation for the Secretary to carry out independent peer reviews during the development of feasibility studies for an updated total of seventeen years from November 8, 2007.

The Secretary is also required to complete a report within 1 year of enactment of America's Water Infrastructure Act of 2018. The report should analyze cost and time overruns for projects subject to section 2034 of WRDA 2007; the effectiveness of peer review, and the extent to which planning problems are identified in the peer review process; and whether the Secretary plans to take actions to improve the general planning process to address planning problems identified in multiple reviews by Independent External Peer Review panels. The Secretary must submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Sec.1027. Expedited consideration.

This section extends through December 31, 2024, the expedited considerations procedure for the House and Senate so that they can consider authorization of certain water resource development or conservation projects outside of the regular WRDA authorization cycles.

Sec.1028. WIFIA study.

This section requires the Secretary to conduct a study on WIFIA implementation impediments. The study should look into the obstacles that need to be removed so that the Secretary can implement the Water Infrastructure Finance and Innovation Act (33 U.S.C. 3901 et seq.), identify all projects that the Secretary determines are potentially viable to receive assistance, and identify any amendments to the Act or other legislative or regulatory changes that would improve the Secretary's ability to implement the Act. The report must be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives no later than 1 year after enactment of America's Water Infrastructure Act of 2018.

Sec.1029. Enhanced development demonstration program.

This section directs the Secretary to review the master plan and shoreline management plan for any lake described in section 3134 of WRDA 2007. The purpose is to identify suitable areas for enhanced development, as defined. The Secretary is authorized under this section to lease Federal land under the Secretary's jurisdiction using competitive procedures. Such leases must require payment of at least fair market value; enter into a partnership agreement with the private sector; consider lease durations of up to 100 years; and consider regional economic impacts. The Secretary is also authorized to accept certain in-kind contributions as payment.

This section also requires that the Secretary complete a study and submit to Congress within two years of enactment of America's Water Infrastructure Act of 2018. The study should address the application of enhanced use leasing authorities, and other military leasing authorities to the Secretary's civil works program. The report must detail the results of this study, including a description of the obstacles that must be removed to implement the authorities.

Sec.1030. Duplication of efforts.

This section concerns the case of a project in which the non-Federal sponsor is working with an institution of higher education on a water resources project. In order to reduce duplicative efforts, the Secretary must consider hiring an institution of higher education or entity, in accordance with any applicable contract law, to provide assistance under section 22 of WRDA 1974 with respect to that same project.

Sec.1031. Corps of Engineers Board of Appeals for certain water storage projects.

This section creates a Board of Appeals for water storage projects undergoing consideration of a permit decision. The Board is made up of two representatives of state water development

commissions and agencies with water storage needs, two representatives of the Corps of Engineers, and one representative jointly selected by the Secretary and entities. The provision requires the District Engineer to develop and provide to the applicant a purpose and needs statement that describes whether it concurs with the purpose and need statement of the applicant. The applicant then has the opportunity to appeal the purpose and need statement. The provision also requires that all permit conditions be provided to the applicant in advance of a permit decision. The applicant then has the opportunity to appeal the conditions prior the District Engineer's permit decision.

Sec.1032. Sense of Congress relating to local role in Corps projects.

This section states the sense of Congress that in a case in which a local non-Federal interest takes on what is normally a Federal responsibility for certain operation, maintenance, or capital improvement expenses of a project of the Secretary, the expenditure of such funds by a local non-Federal interests results in savings to Federal taxpayers.

Sec.1033. Sense of Congress relating to study of water resources development projects by non-Federal interests.

This section states the sense of Congress that the amendment to section 203 of WRDA 1986 made by section 1126 of WIIN 2016, which concerns study of water resources development projects by non-Federal interests, was intended to supersede any conflicting laws.

Sec.1034. Sense of Congress relating to project partnership agreements.

This section states the sense of Congress that the Secretary should simplify and expedite the process for including in-kind work in project partnership agreements to allow for more flexibility for potential changes to in-kind work, and to delegate approval for project partnership agreements to the District Engineer where practicable.

Sec.1035. Sense of Congress relating to encouraging resilient techniques and habitat connectivity in ecosystem restoration.

This section states the sense of Congress that the Secretary should ensure that Corps infrastructure can endure extreme weather, mitigate flooding and other negative impacts on communities, and provide a significant return on investment by encouraging the use of resilient structural or nonstructural construction techniques; and clarifying that nonstructural approaches, techniques, and alternatives including natural and nature-based solutions.

Sec.1036. Alterations to local flood control projects.

This section provides the District Engineer of each district of the Corps, or the Secretary if requested by the applicant, with the authority to implement existing authorities to approve alterations to local flood control projects in accordance with 33 C.F.R. 208.10, and all other applicable laws (including regulations) relating to flood control.

Sec.1037. Non-Federal construction.

This section requires the Secretary to transfer all relevant data and documentation with respect to a water resources development project to the non-Federal interest that will be carrying out a water resources development project under section 204(b) of WRDA 1986 within 90 days of receiving such a request. Additionally, the Secretary must provide technical assistance upon the non-Federal interest's request, so the non-Federal interest has an opportunity to obtain permits in the most expeditious manner possible.

Sec.1038. Contributed funds for non-Federal reservoir operations.

This section amends section 5 of the Flood Control Act of 1936 to authorize the Secretary to receive contributed funds from an owner of a non-federal reservoir (in addition to a state or political subdivision thereof, or other non-federal interest) to formulate, review, or revise operational documents for any non-federal reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood risk management or navigation pursuant to section 7 of the Act of December 22, 1944.

Sec.1039. Mitigation bank credit release schedules.

This section requires the Secretary, in coordination with the EPA Administrator, to issue guidance for the development of mitigation bank credit release schedules. The goal is to release such credits as soon as available to help expedite permit evaluations under section 404 of the Clean Water Act for proposed projects awaiting the release of credits.

Sec.1040. Innovative materials report.

This section requires the Secretary to submit to Congress a report within 1 year of enactment of America's Water Infrastructure Act of 2018 that describes activities conducted at all Corps of Engineers technology, research and development related facilities and organizations relating to the testing, research, development, identification, and recommended uses for innovative materials in water resources projects. The report will also provide recommendations for which innovative materials should be used in water resources projects.

Sec.1041. Updates to benefit-cost analysis.

This section states that the Secretary cannot perform or update a benefit-cost analysis of a project once construction has commenced.

Sec.1042. Local government water management plans.

This section requires the Secretary, with the consent of the non-federal sponsor of a feasibility study for a water resources development project, to allow a unit of a local government in a watershed that has adopted a water management plan to participate in the feasibility study to determine if there is an opportunity to include additional elements to the project to help achieve the purposes identified in the local or regional water management plan.

Sec.1043. Access to real estate data.

This section requires the Secretary to make publically available as soon as practicable all real estate assets of the Corps, as well as other Federal real estate assets owned, operated, managed, regulated, or in its custody. This requirement is inapplicable to information the Secretary deems to be confidential, privileged, national security information, or that is otherwise prohibited by law.

Sec.1044. Advanced funds for discrete segments.

This section permits the Secretary to accept and expend funds from a non-Federal interest to carry out a discrete segment of an authorized navigation project if it is technically feasible and environmentally acceptable and it can be operated independently without creating a hazard in advance of completion of the project. These advanced funds can be credited by the Secretary towards the non-Federal share of the project's cost.

Sec.1045. Inclusion of non-Federal interests in project consultations.

This section states that the non-Federal interest for a water resources development study or project must be given the opportunity to participate in all consultations with Federal and State agencies and Indian Tribes required by Federal law. It also addresses the solicitation of, and the extent of that consideration of the non-Federal interest's views, as well as the obligation of the Secretary to require the applicable District Commander to engage in consultation with a non-Federal interest throughout the course of a study or project. Consultation includes notification to, working with, and addressing the concerns of the non-Federal sponsor.

Sec.1046. Categorical exclusions.

This section amends section 2045 of WRDA 2007 to require that within 180 days of enactment of America's Water Infrastructure Act of 2018 that the Secretary survey the use by the Corps of categorical exclusions of projects since 2014.

It also requires that no later than 1 year after enactment of America's Water Infrastructure Act of 2018, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before enactment of America's Water Infrastructure Act of 2018, the Secretary must publish a notice of proposed rulemaking to propose that new categorical exclusion in conformance with the criteria under 4 C.F.R. 1508.4 (as in effect on the date of enactment of America's Water Infrastructure Act of 2018).

Sec.1047. Geomatic data.

This section requires that a department or agency considering an aspect of an application for Federal authorization that requires the submission of environmental data shall consider any such data submitted by the applicant that was gathered through geomatic techniques. The applicable agency may grant conditional approval for Federal authorization contingent on the verification of the geomatic data by subsequent onsite inspection.

Sec.1048. Completion of feasibility studies.

This section addresses feasibility studies initiated by the Secretary under section 905(a) of WRDA 1986, following the enactment of America's Water Infrastructure Act of 2018. It sets the goal of completing a feasibility study within 2 years. In carrying out these specified feasibility studies, the Secretary must exercise all existing flexibilities under and exceptions to any requirement administered by the Secretary. In addition, the Secretary must further provide additional flexibilities or expedited processing with respect to exercising all existing flexibilities under and exceptions to any requirement administered by the Secretary to complete the feasibility study within the 2-year goal timeframe.

Sec.2001. Authorization of proposed feasibility studies.

This section authorizes the Secretary to conduct feasibility studies for 9 projects for water resources development that were submitted to Congress in an annual Report to Congress on Future Water Resources Development pursuant to section 7001 of the Water Resources Reform and Development Act of 2014, or otherwise reviewed by Congress.

- (1) Lower Mississippi River, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee
- (2) Ouachita-Black Rivers Navigation Project
- (3) San Diego River 1, 2, and 3 Levee System
- (4) Northshore Flood Risk Reduction, Louisiana
- (5) St. Louis Riverfront-Meramec River Basin, Missouri
- (6) Chautauqua Lake, New York
- (7) Trinity River and Tributaries, Texas
- (8) Coastal Virginia Water Resources, Virginia
- (9) Tangier Island, Virginia

Sec.2002. Lower Missouri River Bank stabilization and navigation.

This section authorizes the Secretary to conduct a study on the function and reliability of the Lower Missouri River Bank stabilization and navigation project.

Sec.2101. Savannah Harbor expansion project.

This section increases the appropriations authorized for the Savannah Harbor expansion project due to project cost increases documented in a signed section 902 Post Authorization Change Report.

Sec.2102. Deauthorization of Svensen Island.

This section deauthorizes the project for Svensen Island, Oregon, as of the date of enactment of America's Water Infrastructure Act of 2018.

Sec.2103. Whittier Narrows study.

This section requires a study by the Secretary regarding the Whittier Narrows Dam Project to evaluate the impacts of removing 1 percent of the flowage spreading grounds from the flood control easement. The Secretary must both complete the study and submit a report to Congress describing the results within one year of enactment of America's Water Infrastructure Act of 2018.

Sec.2104. West Tennessee tributaries project, Tennessee.

This section deauthorizes the West Tennessee tributaries project along the Obion and Forked Deer rivers and tributaries, as of the date of enactment of America's Water Infrastructure Act of 2018.

Sec.2105. Bridgeport Harbor-Pequonnock River navigation project, Connecticut.

This section deauthorizes the Bridgeport Harbor-Pequonnock River navigation project north of Congress Street in the City of Bridgeport, Connecticut, as of the date of enactment of America's Water Infrastructure Act of 2018.

Sec.2106. Levees L-212 and L-231, Four River Basin, Ocklawaha River, Florida.

This section deauthorizes from the federal inventory levees L-212 and L-231, which are two components of the federal Four River Basins Project in Florida, as of the date of enactment of America's Water Infrastructure Act of 2018.

Sec.2107. Corps of Engineers bridge repair and divestiture program for New England evacuation routes.

This section allows the Secretary to repair or replace bridges in New England owned and operated by the Secretary that are necessary for evacuation routes in natural or manmade extreme weather events, subject to appropriations. To the maximum extent practicable, the Secretary must transfer each bridge to a willing non-Federal entity after the completion of the repair or replacement of the bridge. Thereafter, the non-Federal entity shall assume ownership and responsibility for the operation and maintenance of the bridge.

Sec.2108. Boston Harbor reserved channel deauthorizations.

This section deauthorizes portions of the Boston Harbor, Massachusetts, navigation project authorized by the first section of the Act of October 17, 1940, as amended.

Sec.2109. Project deauthorization and study extensions.

Subsection (a) extends the period for deauthorization of projects under section 6003(a) of WRRDA 2014 from 7 to 10 years. The Secretary must not count any period of time during which

the project's locally preferred plan under section 1036(a) is being reviewed by the Corps and awaiting a decision by the Secretary.

Subsection (b) extends the period for deauthorization of studies under WRRDA 2014 section 1001(d)(4) from 7 to 10 years.

Sec.2110. Deauthorization of inactive studies.

This section's purpose is to identify for deauthorization \$7.5 billion dollars in unviable feasibility studies for water resources development projects that lack local support, lack available Federal or non-Federal resources, or have an authorizing purpose that is no longer relevant or feasible. Qualifying studies must not have received Federal funds during the 10-year period preceding enactment of America's Water Infrastructure Act of 2018. Further, the Secretary must solicit comments from the public and the Governor of each applicable State on the interim and proposed final deauthorization lists. After the close of a 90-day comment period on the proposed final deauthorization list, the Secretary shall submit a final deauthorization list within 120 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

This section states that a feasibility study on the final deauthorization list will be deauthorized unless Congress passes a joint resolution of disapproval of the final list prior to the end of the 180-day period beginning on the date of submission of the final list. Additionally, a feasibility study shall not be deauthorized if the non-Federal interest for the feasibility study provides adequate funds to complete the feasibility study.

Sec.2111. Certain disposition studies.

This section requires the Secretary to consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or a separable element of the project, when carrying out a disposition study under section 216 of the Flood Control Act of 1970.

Sec.2112. Locks and dams 1 through 4, Kentucky River, Kentucky.

This section deauthorizes Kentucky River locks and dams 1 through 4 as of enactment of America's Water Infrastructure Act of 2018. It conveys the project in "as in" condition to Kentucky for use and benefit of the Kentucky River Authority. It also requires that any conveyance include that the State holds the United States harmless from any liability resulting activities on the property.

Sec.2113. Kissimmee River restoration.

This section authorizes the Secretary to credit work performed or to be performed by the non-Federal sponsor as an in-kind contribution under section 221(a)(4) of the Flood Control Act of 1970, in accordance with the report dated April 27, 2018, relating to the project for ecosystem restoration, Kissimmee River, Florida, authorized by section 101(8) of WRDA 1992.

Sec.2114. Norfolk Harbor and channel, Thimble Shoal widening, Virginia.

This section authorizes the Secretary to carry out modifications to the project for navigation, Norfolk Harbor and channel Thimble Shoal widening, Virginia.

Sec.2201. Project authorizations.

This section authorizes 6 Chiefs Reports:

Navigation—

- (1) Houston-Galveston Navigation Channel Extension

Flood Risk Management—

- (1) Ala Wai Canal
- (2) Mamaroneck-Sheldrake Rivers

Hurricane and Storm Damage Risk Reduction—

- (1) St. Johns County
- (2) St. Lucie County
- (3) Sabine Pass to Galveston Bay

Sec.2202. McMicken Dam, Arizona, and Muddy River, Massachusetts.

This section requires the Secretary to complete a study on the status of the projects at McMicken Dam, Arizona, and the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts. The Secretary must submit a report to Congress within 180 days of enactment of America's Water Infrastructure Act of 2018 that includes a description of the reasons of the Secretary for deauthorizing the two projects and, if practicable, a description of conditions needed by the Secretary to reauthorize the two projects.

Sec.2203. Environmental infrastructure projects.

This section amends section 219(f) of WRDA 1992 to authorize cost increases to specific projects: it raises the appropriations authorization level to \$90 million for the Lake Marion Regional Water Agency/Lake Marion and Moultrie environmental infrastructure project; it raises the appropriation authorization level to \$70 million for the Harbor/South Baywater recycling project; and it authorizes appropriations in the amount of \$16 million for wastewater infrastructure in Charlotte County, Florida.

This section also amends section 219 of WRDA 1992 by adding a subsection (g) requiring the Secretary to consider and complete an assessment for the Macomb County, Michigan, wastewater project and the Milwaukee and Shorewood, Wisconsin, wastewater project.

Sec.2204. Conditional reauthorization of environmental projects.

This section prevents the deauthorization of described environmental projects for fiscal years 2019 through 2021, if the Secretary receives from the project sponsor a written request for the extended authorization within 90 days of enactment of America's Water Infrastructure Act of 2018.

Sec.2205. Sense of Congress relating to West Haven, Connecticut.

This section states the sense of Congress that the Secretary should prioritize the project for storm damage reduction for West Haven, Connecticut, to the maximum extent practicable.

Sec.2206. Coastal Texas study.

This section states that the Secretary shall expedite the completion of studies for flood damage reduction, hurricanes and storm damage reduction, and ecosystem restoration in the coastal areas of Texas identified in the upcoming Corps Tentatively Selected Plan resulting from the Coastal Texas Study due in 2018, notwithstanding any other provision of law.

Sec.2301. Rahway River Basin flood risk management project.

This section requires the Secretary to give priority funding and expedite completion of the report for the project for flood risk management, Rahway River Basin, New Jersey. If the Secretary determines that the project is justified in the completed report, the Secretary is to proceed directly to project preconstruction, engineering, and design in accordance with section 910 of WRDA 1986.

Sec.2302. Hudson-Raritan Estuary Comprehensive Restoration Project.

This section states that the Secretary shall expedite completion of the Hudson-Raritan Estuary Comprehensive Restoration Project in a timely manner in accordance with section 1322(b)(2)(C) of WIIN 2016.

Sec.2303. Certain projects in Rhode Island.

This section states that the Secretary shall adhere to the proposed schedules and avoid delays to the extent practicable with respect to the project for navigation, Providence River, Rhode Island; the feasibility study for the project for coastal storm risk management, Pawcatuck River, Rhode Island; and the Rhode Island historical structure flood hazard vulnerability assessment.

Sec.2304. Cedar River, Iowa.

This section states that the Secretary shall expedite the project for flood risk management at Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of WRRDA 2014.

Sec.2305. Plymouth Harbor, Massachusetts.

This section states that the Secretary shall expedite and complete the dredging of the Plymouth Harbor in Massachusetts so that ships can get into and out of the Harbor no later than the celebration of the 400th anniversary of the voyage of the Mayflower.

Sec.2306. Brandon Road study.

This section states that the Secretary shall complete a final feasibility report for the Great Lakes Mississippi River Interbasin Study (GLMRIS) Brandon Road Study by the original deadline of February 2019.

Sec.2307. Central Everglades Planning Project.

This section states that the Secretary shall expedite construction of a reservoir south of Lake Okeechobee as part of the Central Everglades Planning Project authorized under section 1401(4) of WIIN 2016.

Sec.2308. Portsmouth Harbor and Piscataqua River.

This section states that the Secretary shall expedite the Portsmouth Harbor and Piscataqua River Navigation Improvement Project.

Sec.2309. Blain Road footbridge, Thompson, Connecticut.

This section states that that the Secretary shall proceed with reviewing design plans for the Blain Road footbridge over West Thompson Lake, Thompson, Connecticut.

Sec.2310. Table Rock Lake, Arkansas and Missouri.

This section states that the Secretary shall follow the current law under section 1185 of WIIN 2016 with respect to the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan, for Table Rock Lake, located in Missouri and Arkansas.

Section 1185 of WIIN 2016 required that the Secretary lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Master Plan and Management Plan. That section also entailed that an oversight committee be established to review permits and advise the Corps on revisions to the master plan and management plan—the oversight committee has not yet been implemented.

Sec.2311. McCook Reservoir, Illinois.

This section states that the Secretary shall consider McCook Reservoir project as a priority for implementation under section 1043(b) of WRRDA 2014.

Sec.2312. Baptiste Collette Bayou study, Louisiana.

This section states that the Secretary shall expedite the review for the navigation channel deepening study, Baptiste Collette Bayou, Louisiana, under section 203 of WRDA 1986.

Sec.2313. Morganza to the Gulf, Louisiana.

This section states that the Secretary shall expedite completion of the project for hurricane and storm damage risk reduction, Morganza to the Gulf, authorized by section 7002(3) of WRRDA 2014.

Sec.2314. Louisiana Coastal Area.

This section states that the Secretary shall expedite completion of the project for environmental restoration, Louisiana Coastal Area, Louisiana, authorized by section 7002(5) of WRRDA 2014.

Sec.2315. Louisiana Coastal Area-Barataria Basin Barrier.

This section states that the Secretary shall expedite completion of the project for environmental restoration, Louisiana Coastal Area Barataria Basin Barrier, Louisiana, authorized by section 7002(5) of WRRDA 2014.

Sec.2316. West Shore Lake Pontchartrain, Louisiana.

This section states that the Secretary shall expedite completion of the project for hurricane and storm damage risk reduction, West Shore Lake Pontchartrain, Louisiana, authorized by section 1401(3) of WIIN 2016.

Sec.2317. Southwest Coastal Louisiana.

This section states that the Secretary shall expedite completion of the project for hurricane and storm damage risk reduction and ecosystem restoration, Southwest Coastal Louisiana, Louisiana, authorized by section 1401(8) of WIIN 2016.

Sec.2318. New York-New Jersey Harbor and Tributaries feasibility study.

This section states that, not later than ninety days after the date of enactment of this Act, the Secretary shall complete the New York-New Jersey Harbor & Tributaries Focus Area Feasibility Study authorized by the first section of the Act of June 15, 1955.

Sec.2319. Lower Brule shoreline stabilization project.

This section states that the Secretary shall carry out a project for shoreline stabilization on the Lower Brule Reservation, South Dakota, pursuant to section 203 of the WRDA 2000. The Federal share of the cost of each separable element of the project cannot surpass \$10 million.

Sec.2320. Hampton Harbor, New Hampshire, navigation improvement project.

This section states that the Secretary shall use all existing authorities of the Secretary to mitigate severe shoaling in carrying out the project for navigation, Hampton Harbor, New Hampshire.

Sec.2321. New Jersey and Delaware Back Bays Coastal Storm Risk Management.

This section requires that the final feasibility report for coastal storm management, back bays, New Jersey, should be completed within six years after the date of initiation of the feasibility study for the project.

Sec.2322. Minnesota locks and dams divestment study.

This section requires that the Secretary expedite completion of the ongoing disposition study regarding the divestiture of locks and dams in Minneapolis, Minnesota, that are part of the Upper St. Anthony Falls Lock and Dam. In completing this study, the Secretary shall include an examination of the possibility of the partial divestiture of the locks and dams, an examination of possible changes in lock and dam use of those locks and dams, and a plan to expedite divestiture of those locks and dams. The Secretary may also produce separate reports for each lock and dam therein describing the results of the study.

This section authorizes the Secretary to accept and expend funds to carry out the study that are contributed by a State or a political Subdivision of the State under the Act of October 15, 1940.

Sec.2323. Houma Navigation Canal, Louisiana.

This section requires that the Secretary expedite the review for the study for navigation and channel deepening, Houma Navigation Canal, Louisiana.

Sec.3001. Corps of Engineers continuing authorities program.

This section amends existing laws to provide for an increase in authorized appropriations for the Corps' Continuing Authorities Programs under sections 103, 111, 205, and 1135 by approximately 50 percent, and also increases the per project amounts under these programs by 50 percent. This section also provides a 25 percent increase in authorized appropriations for each of the Corps' Continuing Authorities Programs under sections 107, 204 and 206, and an increase in the per project amount under these programs by 25 percent.

This section includes language specifying under section 1135 of WRDA 1986 (33 U.S.C. 2309a), the Secretary should prioritize those projects in the Upper Missouri River Basin that restore degraded ecosystems through the modification of existing flood management projects.

This section also provides for a 25 percent increase for emergency streambank and shoreline protection under section 14 of the Flood Control Act of 1946, as well as a 50 percent increase in the maximum available amount per single locality for any one fiscal year. The Secretary is

required to give funding priority to areas recovering from high water levels or flooding that has taken place within 24 months.

Sec.3002. Sense of Congress relating to continuing authorities program.

This section states that it is the sense of Congress that Continuing Authorities Programs should receive full appropriations each fiscal year.

Sec.3003. Report relating to availability of prioritized CAP projects.

This section reinforces section 1030 of WRRDA 2014, requiring the Secretary to make both the list of prioritized CAP projects and the annual report required on the status of each CAP program, thereunder, available via the Federal Register and on a publicly available website.

Sec.3101. GAO Study on navigation and ecosystem sustainability program.

This section authorizes the Comptroller General to conduct a study on the Navigation and Ecosystem Sustainability Program, including determining what obstacles need to be removed to implement this program in an expeditious manner. The study must be completed and submitted to Congress within 1 year of enactment of America's Water Infrastructure Act of 2018.

Sec.3102. McClellan-Kerr Arkansas River Navigation System.

This section states that for the purposes of project continuation, prior funding for the McClellan-Kerr Arkansas River Navigation system from appropriations acts enacted prior to 2009 shall be deemed to have come from construction related accounts. Further, nothing in this section may be deemed to alter the existing prioritization for Inland Waterway Trust fund activities.

Sec.3111. Beach renourishment and shoreline protection demonstration program.

This section directs the Secretary to establish a demonstration program within 90 days of enactment of America's Water Infrastructure Act of 2018. It will consist of no more than 5 projects for beach nourishment and shoreline protection along the Mid-Atlantic Coast of the United States.

This section establishes criteria for project selection for the demonstration program, as well as criteria and other considerations for its implementation. Associated cost-sharing requirements will be those applicable to beach renourishment and shoreline protection projects, and an annual report is required that includes findings and recommendations of the Secretary based on the projects completed under the demonstration program.

This section authorizes \$75 million to carry out this demonstration program until expended and it terminates the demonstration program after the completion of 5 projects.

Sec.3112. Authorization of appropriations for purchase of mat sinking unit.

This section authorizes \$125 million in appropriations to fund the Secretary's purchase of a mat sinking unit to maintain the Mississippi River channel and prevent channel migration, support uninterrupted river commerce, prevent threats to levees, and provide for the public's safety.

Sec.3113. Mat sinking unit.

This section states the sense of Congress that the Corps should consider entering into a lease to purchase when considering the least cost alternative for purchasing a mat sinking unit.

Sec.3114. Sense of Congress for Kennebec River federal navigation channel.

This section states the sense of Congress that periodic maintenance dredging of the Kennebec River Federal Navigation Channel should be prioritized, based on a joint plan that is being developed by the Secretary and the Secretary of the Navy.

Sec.3115. Sense of Congress for Wilmington Harbor dredging.

This section states the sense of Congress that the Secretary should prioritize annual dredging for the harbor in Wilmington, Delaware.

Sec.3116. Port of Arlington.

This section would amend the existing authorization to allow the Secretary to reimburse the Port of Arlington up to \$3.2 million for expenses incurred by the Port in the construction of its dock and the ensuing revocation of the associated regulatory permit.

Sec.3117. Pearl River Basin demonstration program.

This section directs the Secretary to establish a demonstration program to allow a project authorized under section 211 of WRDA 1996 to begin preliminary engineering and design (PED) after the completion of a feasibility study and an environmental impact statement for the project. For each project authorized to begin PED under the demonstration program, the project must conform to the final feasibility study and environmental impact statement (EIS) for the project and the Secretary and the non-Federal sponsor must jointly agree to the construction design of the project. Repayment by the non-Federal sponsor is required if the project does not receive a favorable Chief's Report. The Secretary's authority to carry out the demonstration program terminates 5 years after enactment of America's Water Infrastructure Act of 2018.

Sec.3118. Expedited initiation.

This section amends section 1322(b)(2) of WIIN 2016 to direct the Secretary to not only give priority funding and expedite completion of the reports for certain listed projects listed therein, but also immediately initiate PED for the project once the general revaluation report has been submitted to the Major Subordinate Command for approval.

Sec.3119. Beneficial use of dredged sediment.

This section ensures that an easement for a beach nourishment project that does not require regular nourishment does not exceed the anticipated lifecycle of the project by more than 200 percent.

Sec.3120. Rule for beach nourishment and shoreline protection projects.

This section states that in the case of any beach nourishment or shoreline protection project, the Secretary shall proceed with the project as long as the benefits of the project are equal to or greater than the costs of the project.

Sec.3121. Report on debris removal.

This section requires that within 180 days of enactment of America's Water Infrastructure Act of 2018 that the Secretary report to Congress to what extent the Corps has used its authority to remove debris from federal channels and adjacent waters. The report must also describe how the Secretary has evaluated potential debris removal projects and detail recommendations for a pilot program to implement the limits of this authority.

Sec.3122. Cape Arundel Disposal Site, Maine.

This section authorizes the Cape Arundel Disposal Site for dredge material disposal to remain open until the earliest either of the date on which the Site does not have any remaining disposal capacity, the date upon which the EIS designating an alternative dredge material disposal site for southern Maine has been completed, or through December 31, 2021.

Sec.3123. Delaware River navigation project.

This section amends section 1131(3) of WRDA 1986 by increasing the existing 10 foot height limit authorization to 35 feet for the deposit of dredge material from the Delaware River, Philadelphia, navigation project.

Sec.3124. Sense of Congress relating to erosion on the banks of the Ohio River near Clarksville, Indiana.

This section states the sense of Congress that the Secretary may use its authority under section 9 of the Flood Control Act of 1946 to remedy the erosion issues on the Ohio River near Clarksville, Indiana.

Sec.3201. Certain levee improvements.

This section states that where Corps-owned levees are tied hydraulically to community-owned levees, the Secretary is encouraged to cooperate with non-Federal sponsors on ways to implement necessary improvements to the Federal project.

Sec.3202. Rehabilitation of Corps of Engineers constructed dams.

This section raises the per project cost limit under section 1177 of WIIN 2016 from \$10 million to \$40 million for rehabilitation of pre-1940 Corps constructed dams to address aging flood control reservoirs constructed or contributed to by the Corps. It also increases the authorization of appropriations to carry out section 1177 to \$40 million for each of fiscal years 2017 through 2026.

Sec.3203. Non-Federal dams.

This section authorizes the Secretary to accept non-Federal funds from the owners of non-Federal dams for the review and revision of water operations manuals and flood control curves where the Corps regulates the non-Federal facilities for flood control under section 7 of the Flood Control Act of December 22, 1944.

Sec.3204. Reauthorization of National Dam Safety Program Act.

This section extends the authorization of appropriations for the National Dam Safety Program Act at \$13.9 million for each of fiscal years 2020 through 2021. The Federal Emergency Management Agency's Dam Safety Program includes the development of a dam safety education and awareness initiative to assist the public in preparing for, mitigating for, responding to, and recovering from dam incidents.

Sec.3205. Sense of Congress relating to implementation guidance for dam safety repair projects.

This section states the sense of Congress that the Corps should expeditiously issue implementation guidance for section 1139 of WIIN for dam safety repair projects.

Sec.3206. Reauthorization of national levee safety program.

This section extends the authorization of appropriations for the national levee safety program for fiscal years 2020 through 2021, for a total of \$158 million. This national levee safety initiative includes the establishment of voluntary levee safety guidelines and technical assistance to states to create local levee safety programs.

Sec.3207. Reauthorization of lock operations pilot program.

This section extends the authorization of the lock operations pilot program for the acceptance and expenditure of funds contributed by non-Federal interests until June 10, 2024. This authorizes the acceptance and expenditure of funds contributed by non-Federal interests to operate and maintain specific locks located on the nation's inland waterways transportation system.

Sec.3208. Restricted areas at Corps of Engineers dams.

This section extends the prohibition against the Secretary from installing permanent barriers or restricting public access ("Freedom to Fish") in the vicinity of the ten dams on the Cumberland River in Kentucky and Tennessee for 5 years after enactment of America's Water Infrastructure Act of 2018.

Sec.3209. Certain Bureau of Reclamation dikes.

This section establishes the Federal share of the operations and maintenance costs of a dike at 100 percent for those owned by the Bureau of Reclamation on the date enactment of America's Water Infrastructure Act of 2018, the construction of which was completed by December 31, 1945, and a corrective action study for which was completed not later than December 31, 2015.

Sec.3210. Rehabilitation of high hazard potential dams.

This section amends section 8A of the National Dam Safety Program Act to require that a non-Federal sponsor demonstrate, as a condition of receiving assistance, that an emergency action plan is in place to protect life and property in the area potentially affected by a breach of the dam. Emergency action plans must address incident detection, evaluation, and emergency level determination; notification and communication; emergency actions; termination and follow-up; and public education and awareness of the emergency action plan.

Sec.3211. Maintenance of high risk flood control projects.

This section requires that in any case in which the Secretary has assumed responsibility for the maintenance of a class III project under the Dam Safety Action Classification of the Corps of Engineers and as of the date of enactment of America's Water Infrastructure Act of 2018, the Secretary shall continue to be responsible for the its maintenance until the earlier of the Secretary determines that the project has been modified to reduce the risk and the project is no longer classified as a class III, or 15 years after the enactment of America's Water Infrastructure Act of 2018.

Sec.3301. Authority to make entire active capacity of Fontenelle Reservoir available for use.

This section authorizes the Secretary of the Interior, in consultation with the State of Wyoming, to amend the Definite Plan Report for the Seedskaadee Project, which was authorized under 43 U.S.C. 620. The project provides water storage and regulation on the Green River and generates power for municipal and industrial use, as well as wildlife and recreational benefits.

The goal is to amend the Definite Plan Report to provide for the study, design, planning and construction activities that will enable the use of all active storage capacity of Fontenelle Dam and Reservoir, including the placement of sufficient riprap to allow the active storage capacity of the reservoir to be used for the authorized purposes of the Seedskaadee Project. The Secretary of the Interior may enter into agreements necessary to carry out these activities and the State of Wyoming must provide the Secretary with funds for any such activities providing additional

storage at Fontenelle Dam and Reservoir.

Sec.3302. Pricing of water storage contracts.

This section requires Secretary to price each water storage contract entered into at fair market value. Such pricing will not exceed 110 percent of the lowest-contracted price at any Corps facility located within 50 miles of the water source covered by the contract, as adjusted for inflation.

Sec.3303. Report on water supply contract, Wright Patman Lake, Texas.

This section requires the Secretary to submit a report to Congress by June 30, 2019, on the status of implementing Water Supply Contract No. DACW29-68-A-0130 at Wright Patman Lake, Texas.

Sec.3304. Sense of Congress relating to Wright Patman Lake, Sulphur River Basin, Texas.

This section states the sense of Congress that the Secretary should implement the Department of the Army, Civil Works Contract No. 29-68-A-0130, at Wright Patman Lake, Texas, in an expeditious manner and in accordance with all applicable Federal and State water laws, including through the acceptance and expenditure of funds contributed by a non-Federal interest for any study required by law.

Sec.3305. City reservoir expansion pilot program.

This section requires that the Secretary establish a pilot program to expedite the review of applications for a permit from the Secretary to expand a reservoir for which not less than 80 percent of the water rights are for community drinking water supplies in order to accommodate projected water supply needs of a city with a population of less than 80,000. Further, the application must be from a city in which any portion of the water resources available to the community are polluted by chemicals used at a formerly used defense site and for which mitigation is ongoing. This pilot program authority expires 10 years from enactment of America's Water Infrastructure Act of 2018.

Sec.3306. Sense of Congress relating to water-related infrastructure in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.

This section states the sense of Congress that the authorization of appropriations under section 595 of WRDA 1999 for water, wastewater, environmental restoration and surface water protection projects in certain rural states should be maintained at not less than \$75 million.

Sec.3307. Groundwater and well water testing and treatment program.

This section mandates that the Secretary carry out a program for projects located in disadvantaged communities or with populations under 100,000 where there may be contamination in the drinking water supply and where the local government is requesting

assistance in the testing and treatment of water wells. Eligible projects must be in reasonable proximity to an active military base, a formerly used defense site (FUDS) undergoing environmental remediation, or any industrial site.

This section authorizes \$50 million, to remain available until expended, to carry out this section.

Sec.3401. Missouri River reservoir sediment management.

This section amends section 1179(a) of WIIN 2016 by requiring that the Secretary of Interior and the Secretary, to the maximum extent practicable, prioritize funds to multi-state sediment management plans developed thereunder, and makes clear that the U.S. Bureau of Reclamation shall participate in this sediment management pilot program.

Sec.3402. Reservoir sediment.

This section amends section 215 of WRDA 2000. It makes permanent a pilot program that requires the Secretary, within 180 days of enactment of America's Water Infrastructure Act of 2018, to accept services by a non-Federal interest or commercial entity for the removal of sediment captured behind a dam that is owned and operated by the U.S. and under the jurisdiction of the Secretary. The purpose is to restore the authorized storage capacity of the dam.

This section requires that a report by the Secretary be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the program within 3 years of enactment of America's Water Infrastructure Act of 2018.

Sec.3403. Regional sediment management.

This section amends section 204 of WRDA 1992 to address sediment buildup behind an authorized Federal water resources project or a reclamation project, including Federal reservoirs authorized for flood control.

This section requires that the Secretary and the Commissioner of Reclamation develop in consultation with one another regional sediment management plans at full federal expense (subject to the availability of appropriations). Additionally, the Secretary and the Commissioner must carry out projects at locations identified in the regional sediment management plans, or identified jointly by the non-Federal interest and the Secretary or the Commissioner, as applicable, for the sediment's use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects and reclamation projects.

Sec.3501. Ice jam prevention and mitigation.

This section amends section 1150(c) of WIIN 2016 by making permanent the pilot program for preventing and mitigating flood damages associated with ice jams. In addition to increasing the minimum number of pilot projects to be carried out by the Secretary from 10 to 20, this section requires that the Secretary select at least 1 project on a reservation that serves more than 1 Indian

tribe. In addition, projects in the Upper Mississippi River Basin are to be given priority under this section.

Sec.3502. Upper Missouri River Basin flood and drought monitoring.

This section prioritizes funds to section 4003(a) of WRRDA 2014 for flood and drought monitoring in the Upper Missouri Basin. The WRRDA 2014 provision provides for the Secretary, in coordination with the National Oceanic and Atmospheric Administration, USDA Natural Resources Conservation Service, the U.S. Geological Survey, and U.S. Bureau of Reclamation, to carry out activities to improve and support management of Corps projects, including soil moisture and snowpack monitoring, restoring and maintaining existing snowpack monitoring sites, and operating streamflow gages.

Sec.3503. Policies that impact flood fight management projects within urban areas.

This section mandates that a study of flooding within urban floodplains is to be completed by the Secretary within 1 year of enactment of America's Water Infrastructure Act of 2018. Specifically, the study is to examine current federal policy constraints on the Corps' ability to address urban flooding, including the current Corps policy, as set forth in 33 C.F.R. Part 238 (Flood Damage Reduction Measures in Urban Areas), which includes the "800-cfs rule" to distinguish between urban flooding versus local drainage issues.

Sec.3504. Missouri River and tributaries at Kansas Cities, Missouri and Kansas.

This section states that specified flood control projects in the Kansas City, Missouri and Kansas City, Kansas are to be considered a single project for budgeting purposes. This project is not subject to a new start decision because construction funds have already been provided for both component projects. The costs were authorized for the two component projects in section 1401(2) of the WIIN 2016.

Sec.3505. Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota.

This section states that beginning on the date of enactment of America's Water Infrastructure Act of 2018, any property in North Dakota acquired through hazard mitigation assistance provided under specified statutory authorities that was subject to any open space deed restriction shall be exempt from those restrictions to the extent necessary to complete the Fargo-Moorhead Metropolitan Area Diversion Project authorized by section 7002(2) of the WRRDA 2014. This exemption is subject to conditions under this section relating to new or additional structures on the property, as well as any subsequent use of the land on the property that is unrelated to the Project.

Sec.3601. Long-term flood risk reduction, Upper Missouri River Basin, Snake River Basin, and Red River Basin.

This provision amends section 5 of the Flood Control Act, which addresses P.L. 84-99 (Flood Control and Coastal Emergency Act) for emergency management activities. It provides extended

emergency assistance (beyond 30 days) to communities with non-Federal levees that are threatened or damaged by floods or storms. Specifically, it requires the Secretary to provide assistance for the operations and maintenance of any constructed project that becomes permanent under section 5 of P.L. 84-99 due to the extended presence of assistance from the Secretary from the emergency fund under 33 U.S.C. 701n(a). The Secretary may provide assistance for any period, and a project carried out under 33 U.S.C. 701n(a) is subject to the cost-sharing provisions that would otherwise apply to such a project under this section. This authority to provide assistance expires ten years after enactment of America's Water Infrastructure Act of 2018.

Sec.3602. Sense of Congress relating to provision of resources for emergency infrastructure repairs.

This section expresses the sense of Congress that non-Federal entities may provide resources for emergency repairs under section 1024 of WRRDA 2014, regardless of the cause of the emergency.

Sec.3603. Sense of Congress on emergency management assistance.

This section states the sense of Congress that the Secretary may provide technical assistance and other support to State emergency management agencies to assist the in the development of handbooks for floodplain managers. These handbooks should include policies to help manage the risks of coastal and river flooding. In addition, these handbooks should consider coastal protection solutions that promote resilience, such as living shorelines, as well as regional sediment management.

Sec.3604. Great Lakes Fish and Wildlife Restoration Act of 1990.

This section increases the amount of authorized appropriations under the Great Lakes Fish and Wildlife Restoration Act of 1990 by 10 percent for each of fiscal years 2019 through 2021.

Sec.3605. Great Lakes Restoration Initiative.

This section increases the amount of authorized appropriations for the Great Lakes Restoration Initiative by \$30 million in fiscal year 2019, \$60 million in fiscal year 2020, and \$90 million in fiscal year 2021.

Sec.3606. Great Lakes Coastal Resiliency study.

This section authorizes the Great Lakes Coastal Resiliency study under section 729 of WRDA 1986, to coordinate a strategy and recommend actions to manage and protect the Great Lakes coastline from threats such as lake level fluctuations, erosion, flooding, nutrient runoff, and poor performing or aging infrastructure.

Sec.3607. Special rule for beach nourishment.

This section reauthorizes a non-Federal interest to request a Corps of Engineers study of hurricane and storm damage reduction projects to determine if there is a federal interest in carrying out an additional 15 years of work. If the study is favorable, the non-Federal interest may request project specific authorization through the Annual Report process described in WRRDA 2014 section 7001.

For those projects that will expire in the next 5 years, the Corps of Engineers is reauthorized to continue nourishment work for another six years, providing an opportunity for those impacted non-Federal interests to work through the study process and Annual Report requirements.

Sec.3608. Extension for certain coastal storm damage reduction programs.

This section states that for hurricane and storm damage reduction projects with beach nourishment that will expire within 5 years of enactment of America's Water Infrastructure Act of 2018, these projects remain eligible for nourishment for an additional 6 years.

Sec.3609. Snake River Basin flood prevention action plan.

This section requires that the Secretary develop as soon as practicable after the enactment of America's Water Infrastructure Act of 2018 a flood prevention action plan for each state or portion of a state within the Snake River Basin in consultation with the Commissioner of Reclamation. It further requires that following coordination with local stakeholders, a report be submitted within 180 days of America's Water Infrastructure Act of 2018's enactment to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on these flood prevention plans that were developed.

Sec.3610. Authorization of appropriations for Columbia River Basin restoration.

This section amends section 123(d) of the Federal Water Pollution Control Act (33 U.S.C. 1275(d)) by appropriating dedicated funding in the amount of \$5 million for fiscal year 2019 and \$30 million for each of fiscal years 2020 through 2021 to carry out Columbia River Basin restoration.

Sec.3611. Middle Rio Grande peak flow restoration.

This section authorizes the continuation of a temporary deviation in the operation of Cochiti Lake and Jemez Canyon Dam. It requires that within one year of enactment of the America's Water Infrastructure Act of 2018 that the Secretary and the Secretary of the Interior conduct and submit to Congress a feasibility study to address limitations on the timing, magnitude, and duration of flows that support federally listed species in the Middle Rio Grande. The temporary deviation may only be implemented if approvals are first obtained from the Pueblo de Cochiti, Pueblo of Santa Ana, and the Rio Grande Compact Commission.

Sec.3612. North Atlantic Division report on hurricane barriers and harbors of refuge in New England.

This section requires the Secretary, in consultation with State and local experts in the North Atlantic Division of the Corps of Engineers, to submit to Congress a report within 1 year of enactment of America's Water Infrastructure Act on the durability and resilience of existing hurricane barriers and harbors of refuge. Particular consideration is to be given as to how those structures will survive and fully serve their planned levels of protection under current, near, and longer-term future predicted sea levels, storm surge, and storm strength.

Sec.3613. Study on innovative ports for offshore wind development.

This section requires the Secretary to carry out a study within 1 year of enactment of America's Water Infrastructure Act of 2018 of ports in the Mid-Atlantic and New England regions to identify barriers to offshore wind development, actions needed to facilitate the development of the ports for offshore wind development, and recommendations on further research needed to improve ports in the U.S. for offshore wind facility development and deployment. The Secretary shall conduct the study in consultation with the Secretary of Energy and the Secretary of the Interior, in addition to Governors, local governments, and relevant experts, and submit to Congress a report describing the results of the study.

Sec.3701. Reauthorization of Rio Grande environmental management program.

This section extends the reauthorization for the Rio Grande environmental management program at \$15 million for each of fiscal years 2020 through 2021, for a total of \$30 million. The Rio Grande environmental management program authorizes long-term data collection, analysis, and monitoring, with applied research and adaptive management.

Sec.3702. Amendments to Long Island Sound programs.

This section would amend the Clean Water Act (33 U.S.C. 1269) by directing the Administrator of the Environmental Protection Agency (the EPA Administrator) to establish an office (the Office) near or on the Long Island Sound (Sound), identify vulnerabilities to the Sound and develop plans and activities to address them. Activities to reduce the effects of sea-level rise and increase public education about the watershed would also be authorized.

The section would direct the EPA Administrator to coordinate all federal actions that address water quality in the Long Island Sound and ensure that federal restoration activities in the Long Island Sound are consistent with the Comprehensive Conservation and Management Plan. The section would direct the EPA Administrator to report on the activities of the Office and health of the ecosystem, and provide a budget plan for activities that includes an interagency crosscut budget on all federal activities related to restoration in the Long Island Sound. The section would authorize "such sums as necessary" through fiscal year 2021 for these activities.

The section would also reauthorize the Long Island Sound Stewardship Act of 2006, the Long Island Sound Grants, and the Long Island Sound Stewardship Grants through fiscal year 2021.

The section would authorize appropriations of \$65 million per year from fiscal years 2019 through 2021 to fund grant programs. The federal share of costs under these grant programs would increase from 50 percent to 60 percent under the section.

Sec.3703. Sense of Congress relating to the Cano Martin Pena ecosystem restoration project.

This section states the sense of Congress that the Secretary should advance the project for ecosystem restoration, Cano Martin Pena, Puerto Rico.

Sec.3801. Inflation adjustment of cost-sharing provisions for territories and Indian Tribes.

This section extends the period that the Secretary must adjust the \$200,000 cost-share waiver ceiling for inflation when it comes to non-Federal interests in U.S. territories and for any Indian tribe for all studies and projects. This inflation adjustment period was last amended by section 1032 of WIIN 2016 to end on June 10, 2014, and this section of America's Water Infrastructure Act of 2018 extends that period to the date of enactment of America's Water Infrastructure Act of 2018.

Sec.3802. Tribal Partnership Program.

This section increases the authorization of appropriations for the Tribal Partnership Program from \$10 million to \$15 million per project. It amends section 203(b)(4) of WRDA 2000 so that the Secretary may carry out the design and construction of a water resources development project that will substantially benefit Indian tribes and is located primarily within Indian country if the Federal cost of the project is under \$15 million. Should the Federal share of the cost of a project be more than \$15 million then the Secretary may only carry out the project if Congress enacts a new law.

Sec.3803. Blackfeet water rights settlement.

This section ensures that the Blackfeet Tribe receives access to funding (because of the Blackfeet Water Rights Settlement enacted as part of WIIN 2016) in a timely manner so that they may complete a range of water-related infrastructure projects on Tribal lands.

Sec.3804. Bonneville Dam, Oregon.

This section requires that the Secretary, in consultation with the Secretary of the Interior, examine and assess the degree to which Tribes have been displaced as a result of the construction of the Bonneville Dam in Oregon. If the Secretary determines that based upon the assessment that assistance is required then the Secretary may use all his or her existing authorities to help Indians that were displaced because of the construction of this dam.

Sec.3805. John Day Dam, Oregon.

This section requires that the Secretary, in consultation with the Secretary of the Interior,

examine and assess the degree to which Tribes have been displaced as a result of the construction of the John Day Dam in Oregon. Should the Secretary determine that based upon the assessment that assistance is required then the Secretary may use all his or her existing authorities to help Indians that were displaced because of the construction of this dam.

Sec.3806. Dalles Dam, Oregon.

This section mandates that the Secretary, in consultation with the Secretary of Interior, complete a village development plan for any tribal village submerged due to the construction of the Dalles Dam in Oregon and that such a plan include an estimate cost and tentative schedule for the construction of the replacement village.

Sec.3807. Indian irrigation fund reauthorization.

This section reauthorizes the Indian Irrigation Fund through September 30, 2028, and continues key provisions related to the funding and expenditure from the Indian Irrigation Fund through fiscal year 2028.

Sec.3808. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.

This section requires the Secretary of the Interior to continue to use or transfer from the “Indian Irrigation Fund” to the Bureau of Indian Affairs funds for maintenance, repair, and replacement activities for Indian irrigation projects each fiscal year through 2028. This section also mandates that the Assistant Secretary for Indian Affairs continue submitting to Congress progress reports on addressing deferred maintenance needs and utilizing the same prioritization criteria for Indian irrigation funding that was originally authorized in the WIIN 2016 through 2028.

Sec.3809. Indian dam safety reauthorization.

This section extends key provisions concerning funding and expenditures from the “High-Hazard Indian Dam Safety Deferred Maintenance Fund” and the “Low-Hazard Indian Dam Safety Deferred Maintenance Fund” through fiscal year 2030. Both funds will terminate on September 30, 2030, under this section of America’s Water Infrastructure Act of 2018.

This section also extends the Flood Plain Management Program established by the Secretary of Interior by an additional 7 years to December 16, 2027. It further states that funds shall continue to be made available from the “High-Hazard Indian Dam Safety Deferred Maintenance Fund” and the “Low-Hazard Indian Dam Safety Deferred Maintenance Fund” for each fiscal year through 2026 to carry out the flood plain management pilot program to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods.

Sec.3810. GAO report of Alaska Native village relocation efforts due to flooding and erosion threats.

This section requires the Comptroller General to submit to Congress a report concerning efforts to relocate Alaska Native Villages due to flooding and erosion threats. This is meant to update the prior report of the Comptroller General dated June 2009.

The report must include a summary of flooding and erosion threats to Alaska Native villages, the status of efforts to relocate Alaska Native villages due to flooding and erosion threats, and any other related issues the Comptroller General determines are appropriate.

Sec.4001. Sense of Congress relating to certain projects.

This section states that many projects awaiting Chief's Report and PACRs are extremely valuable, and thus, the Secretary should expeditiously complete these decision documents.

This section references the following (17) Chief's Reports: San Joaquin River, California; Pawcatuck River, Rhode Island; Hashamomuck Cove, New York; Delaware River, Delaware, New Jersey, and Pennsylvania; Seattle Harbor, Washington; Three Rivers, Arkansas; San Juan Harbor, Puerto Rico; Espanola Valley, Rio Grande and tributaries, New Mexico; Resacas at Brownsville, Texas; Anacostia Watershed, Prince George's County, Maryland; Willamette River Basin, Oregon; Norfolk, Virginia; Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City, Kansas; Houma, Louisiana; Souris River Basin, Minot, North Dakota; Delta Islands and Levees, California; and Norfolk Harbor and Channels, Virginia.

This section also references the following (11) projects awaiting PACRs: Chickamauga Lock, Tennessee; South Florida, Florida; Freeport Harbor, Texas; Soo Locks, Sault Sainte Marie, Michigan; Central Everglades, Florida; Howard A. Hanson Dam, Washington; Kissimmee River, Florida; Green Brook Sub-Basin, Raritan River Basin, New Jersey; Fort Pierce Beach, Florida; McMicken Dam, Arizona; Cave Buttes Dam, Arizona; and Mississippi River to Shreveport (Red River Waterway), Louisiana.

Sec.5001. Stormwater infrastructure funding task force.

This section requires that the EPA Administrator establish a voluntary stormwater infrastructure funding task force made up of public, private, and federal participants to study and develop recommendations to improve the funding and financing of stormwater infrastructure within 180 days of enactment of America's Water Infrastructure Act of 2018.

Under this section, within 18 months after enactment of America's Water Infrastructure Act of 2018, the EPA Administrator will submit a report to Congress describing the results of the study.

Sec.5002. Reauthorization of the Water Infrastructure Finance and Innovation Act.

This section extends through fiscal year 2021 the current annual \$100 million authorization for the Water Infrastructure Finance and Innovation Act, totaling \$200 million. It further extends the authority of the EPA Administrator or the Secretary of the Army to use up to \$2.2 million of the appropriated amounts each fiscal year for administrative costs.

Sec.5003. Indian reservation drinking water and wastewater pilot program.

This section requires that the EPA Administrator carry out a pilot program consisting of 20 pilot projects to improve existing drinking water lines or towers or wastewater lagoons that are insufficient to meet community needs. Ten projects must be both within the Upper Missouri River Basin and on a reservation that serves a federally recognized Indian Tribe and 10 projects must be both within the Upper Rio Grande River Basin and on a reservation that serves a federally recognized Indian Tribe. At least one qualifying pilot project must be selected that serves more than one federally recognized Indian tribe.

Sec.5004. Technical assistance for treatment works.

This section is the Small and Rural Community and Medium-sized Clean Water Technical Assistance Act. It would authorize appropriations for EPA to provide grants to qualified nonprofit treatment works technical assistance providers to provide technical assistance to owners and operators of small (\$15 million/fiscal year) and medium (\$10 million/fiscal year) wastewater systems to assist in achieving Clean Water Act compliance or assist in obtaining financing for eligible clean water projects. In total, this section authorizes to be appropriated \$25 million for each of fiscal years 2019 through 2021. These grants provide for training and technical assistance to water treatment works that serve communities with populations of not more than 10,000 individuals (small), and not fewer than 10,001 and not more than 75,000 individuals (medium).

This section would further amend the Clean Water Act to authorize states to use an additional 2 percent of their annual Clean Water State Revolving Fund capitalization grant for qualified nonprofit treatment works technical assistance providers to provide such technical assistance.

Sec.5005. Clean, safe, reliable water infrastructure.

This section expands authorized activities under the Safe Drinking Water Act (SDWA) State Revolving Loan Fund (SRF) provisions to authorize states to use up to 10 percent of their Drinking Water SRF capitalization grant to implement source water protection plans.

This section also amends the SDWA SRF provisions to provide that, for communities with populations greater than 10,000, the Brooks Act (40 U.S.C. Ch. 11), or equivalent state requirements, applies to the negotiation of contracts to be carried out using SRF funds.

This section further amends SDWA to establish at EPA the voluntary WaterSense program, which identifies and promotes water efficient products through voluntary labeling.

This section amends section 221 of the Clean Water Act to authorize to be appropriated for sewer overflow control grants \$225 million for each of fiscal years 2019 and 2020, and to make stormwater management measures eligible for such grants.

Sec.5006. Water infrastructure flexibility.

This section provides the opportunity for municipalities to develop integrated plans for wastewater and stormwater management, and to assist communities in meeting municipal discharge requirements under the Clean Water Act. This section also allows municipal discharge permits to incorporate schedules of compliance to meet water quality standards, and clarifies that compliance actions may include the construction of green infrastructure if implemented as part of an effluent limit.

This section establishes within EPA an Office of the Municipal Ombudsman that provides related technical assistance to municipalities.

Finally, this section provides new criteria for determining the ability of households to pay utility bills, and removes the existing method that utilizes median household income.

Sec.5007. Water Resources Research Act amendments.

This section amends the Water Resources Research Act of 1984. This section authorizes each state and territory to provide funding to one designated research institute, such as a university, to conduct research for water and water resources technology and innovation. In addition, this section includes a Congressional finding that additional research is required relating to several specified topics (nonstructural alternatives, decentralized approaches, energy use efficiency, water use efficiency, and actions to extract energy from wastewater) to increase the effectiveness and efficiency of new and existing treatment works.

The section would also require the Secretary of the Interior to write a report once every three years regarding the compliance of each grantee receiving funds under 42 U.S.C. 10303(c) for the immediately preceding fiscal year. Based on an evaluation (also every three years) of the quality and effectiveness of the research of each institute receiving grants, the Secretary may prohibit further funding.

This section authorizes \$9 million in total for each of fiscal years 2019 through 2021.

Sec.5008. Study on intractable water systems.

This section defines “intractable water system” for use under section 1459c of the Safe Drinking Water Act. It also requires that within two years of enactment of this section of America’s Water Infrastructure Act of 2018, the EPA Administrator, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, must complete a study identifying intractable water systems and describe barriers to delivery of potable water to individuals.

Sec.5009. National onsite wastewater recycling.

This section states the sense of Congress that providing communities with the knowledge and resources necessary to fully use decentralized wastewater systems can provide affordable wastewater recycling and treatment to millions of people in the United States.

This section also requires that for specified programs that provide technical assistance for wastewater management, that the EPA Administrator update information on cost effective and alternative wastewater recycling and treatment systems, and disseminate that information to local government and nonprofit organizations seeking Federal funds for wastewater systems.

This section amends the Federal Water Pollution Control Act by requiring that when providing assistance from clean water state revolving funds for a wastewater system project serving a population less than or equal to 2,500, the State must ensure that the entity receiving assistance from the SRF certifies that it has considered an individual or shared onsite, decentralized wastewater system as an alternative waste water system. This consideration is also extended to WIFIA and to the USDA, Rural Utilities Service, water and waste disposal loan and grant program.

This section requires that the EPA Administrator submit to Congress a report describing the amount of financial assistance provided by State water pollution control revolving funds to deploy decentralized wastewater recycling technologies; the barriers impacting greater use of decentralized wastewater recycling technologies; the cost-saving potential to communities and future infrastructure investments from further deployment of decentralized wastewater recycling technology; the environmental benefits to the community and groundwater quality from additional investments in decentralized wastewater recycling; and the actions taken by the EPA Administrator to assist States in identifying eligible projects using decentralized wastewater recycling technology. Such a report must be completed and submitted to Congress within 1 year after enactment of America's Water Infrastructure Act of 2018, and at least once every three years thereafter.

Sec.5010. Water infrastructure and workforce investment.

This section expresses that it is the sense of Congress that water and wastewater utilities provide a unique opportunity for access to stable, high-quality careers. And as water and wastewater utilities make critical investments in infrastructure, water and wastewater utilities can invest in the development of local workers and local small businesses to strengthen communities and ensure a strong pipeline of skilled and diverse workers for today and tomorrow. In addition, Congress also urges increased collaboration among different levels of government and the alignment of workforce training programs and community resources to accelerate career pipelines and access to workforce opportunities.

This section provides a definition applicable in this section for "intractable water system". It also mandates that the EPA Administrator and the Secretary establish a competitive grant program to promote the development of innovative activities relating to workforce development in the water utility sector.

Sec.5011. Sense of Congress relating to State revolving funds.

This section states the sense of Congress that Congress should provide robust funding of capitalization grants to States to fund drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act and the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act.

Sec.5012. GAO study on WIFIA projects in small communities, rural communities, disadvantaged communities, and Tribal communities.

This section directs the Comptroller General to both conduct a study and submit a report to Congress within one year of enactment of America's Water Infrastructure Act of 2018, regarding how to create flexibility under WIFIA (33 U.S.C. 3901 et seq.) for small communities, rural communities, disadvantaged communities, and Tribal communities. This should include ways to improve access to assistance under WIFIA, as well as how to lower the burden of applying for assistance for those communities.

Sec.5013. American iron and steel products.

This section amends section 1452 of the Safe Drinking Water Act by prohibiting that the use of state loan funds established thereunder may not be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States. Previously, this restriction was limited by law to only fiscal year 2017.

Sec.5014. Sense of Congress relating to access to nonpotable water.

This section states the sense of Congress that access to nonpotable water sources for industry can relieve the supply and demand challenges for potable water in water-stressed regions throughout the United States; and water users are encouraged to continue implementing and incentivizing nonpotable water reuse programs that will achieve greater water savings and conservation needs.

Sec.5015. Innovative financing for State loan funds.

This section amends the Water Infrastructure Finance and Innovation Act of 2014 by authorizing financial assistance to those applying for state loan funds to carry out water and wastewater infrastructure projects. It provides specific selection criteria, expedites the evaluation of applications, and authorizes the Administrator \$100 million for each of fiscal years 2019 and 2020 to carry out reviews of applications. Finally, this provision removes the pilot designation of the program.

Sec.5016. Water infrastructure resiliency and sustainability.

This section requires that the EPA Administrator establish and carry out a "Water Infrastructure Resiliency and Sustainability Program". The purpose will be to award grants in each of fiscal years 2019 and 2020 to increase the resiliency or adaptability of water systems to regional

changes in hydrologic conditions. An owner or operator of a water system can only use the grants to assist in the planning, design, construction, implementation, operation, or maintenance of such a program or project through specified uses.

This section details the contents of an application for a grant under this section. Further, the public sponsorship of private applicants for a grant established under this section is permissible if the applicant demonstrates that it has consulted with the affected State, local, or Tribal government in which the program or project is located or to be affected, and that government entity supports the program or project.

This section provides for the prioritization and diversification of grants awarded in each fiscal year, as well as establishes the Federal share of the cost of the program at a maximum of 75 percent of a program or project. A report must be submitted to Congress within 3 years of enactment of America's Water Infrastructure Act of 2018 regarding not only the progress in carrying out this section, but also information on project applications received and funded annually.

This section authorizes \$12,500,000 to carry out this section for each of fiscal years 2019 and 2020.

Senator BARRASSO. Additionally, the Committee will be considering the nomination of John Ryder to be a member of the Board of Directors of the Tennessee Valley Authority. The Subcommittee on Clean Air and Nuclear Safety held a nomination hearing on Mr. Ryder in March.

Finally, the Committee will consider S. 2734, a bill naming a Federal building and courthouse in Laredo, Texas; S. 2377, a bill naming a Federal building and courthouse in Dayton, Ohio; and three General Services Administration leases.

[The text of Mr. Ryder's nomination, S. 2734, S. 2377, and General Services Administration resolutions follows:]

NOMINATION REFERENCE AND REPORT

PN1542

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 5, 2018.

Ordered, That the following nomination be referred to the Committee on Environment and Public Works:

John L. Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2021, vice Michael McWhorter, term expired.

May 22, 2018.
(Date)

Reported by Mr. Barrasso


(Signature)

with the recommendation that the nomination be confirmed.

☒ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

115TH CONGRESS
2D SESSION

S. 2734

To designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen Federal Building and United States Courthouse”.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 2018

Mr. CORNYN (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen Federal Building and United States Courthouse”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. GEORGE P. KAZEN FEDERAL BUILDING AND**
4 **UNITED STATES COURTHOUSE.**

5 (a) DESIGNATION.—The Federal building and United
6 States courthouse located at 1300 Victoria Street in La-
7 redo, Texas, shall be known and designated as the

1 “George P. Kazen Federal Building and United States
2 Courthouse”.

3 (b) REFERENCES.—Any reference in a law, map, reg-
4 ulation, document, paper, or other record of the United
5 States to the Federal building and United States court-
6 house referred to in subsection (a) shall be deemed to be
7 a reference to the “George P. Kazen Federal Building and
8 United States Courthouse”.

○

115TH CONGRESS
2D SESSION

S. 2377

To designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the “Walter H. Rice Federal Building and United States Courthouse”.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2018

Mr. BROWN (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the “Walter H. Rice Federal Building and United States Courthouse”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WALTER H. RICE FEDERAL BUILDING AND**
4 **UNITED STATES COURTHOUSE.**

5 (a) IN GENERAL.—The Federal building and United
6 States courthouse located at 200 West 2nd Street in Day-
7 ton, Ohio, shall be known and designated as the “Walter
8 H. Rice Federal Building and United States Courthouse”.

1 (b) REFERENCES.—Any reference in a law, map, reg-
2 ulation, document, paper, or other record of the United
3 States to the Federal building and United States court-
4 house referred to in subsection (a) shall be deemed to be
5 a reference to the “Walter H. Rice Federal Building and
6 United States Courthouse”.

○

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
JOHN BOOZMAN, ARKANSAS	BERNARD SANDERS, VERMONT
ROGER WICKER, MISSISSIPPI	SHELDON WHITEHOUSE, RHODE ISLAND
DEB FISCHER, NEBRASKA	JEFF MERKLEY, OREGON
JERRY MORAN, KANSAS	KIRSTEN GILLIBRAND, NEW YORK
MIKE ROLINDS, SOUTH DAKOTA	CORY A. BOOKER, NEW JERSEY
JONI ERNST, IOWA	EDWARD J. MARKEY, MASSACHUSETTS
DAN SULLIVAN, ALASKA	TAMMY DUCKWORTH, ILLINOIS
RICHARD SHELBY, ALABAMA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

115th Congress
1st Session

United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

COMMITTEE RESOLUTION

LEASE
U.S. PATENT AND TRADEMARK OFFICE
ARLINGTON, VA
PVA-04-WA17

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 191,000 rentable square feet of space, including approximately 3 official parking spaces, for the U.S. Patent and Trademark Office, currently located at Randolph Square, 2800 South Randolph Street in Arlington, VA, at a maximum proposed rental rate of \$39 per rentable square foot, at a proposed total annual cost of \$7,449,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: May 22, 2018

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
JOHN BOOZMAN, ARKANSAS	BERNARD SANDERS, VERMONT
ROGER WICKER, MISSISSIPPI	SHELDON WHITEHOUSE, RHODE ISLAND
DEB FISCHER, NEBRASKA	JEFF MERKLEY, OREGON
JERRY MORAN, KANSAS	KIRSTEN GILLIBRAND, NEW YORK
MIKE HOLINDS, SOUTH DAKOTA	CORY A. BOOKER, NEW JERSEY
JONI ERNST, IOWA	EDWARD J. MARKEY, MASSACHUSETTS
DAN SULLIVAN, ALASKA	TAMMY DUCKWORTH, ILLINOIS
RICHARD SHELBY, ALABAMA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

115th Congress
1st Session

United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF STATE
WASHINGTON, DC
PDC-06-WA17

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 101,000 rentable square feet of space, including approximately 15 official parking spaces, for the Department of State, currently located at 515 22nd Street NW, Washington, DC, at a maximum proposed rental rate of \$50 per rentable square foot, at a proposed total annual cost of \$5,050,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

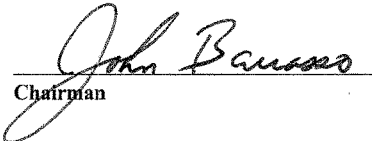
Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.


Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such

individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: May 22, 2018

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA
SHELLEY MOORE CAPITO, WEST VIRGINIA
JOHN BOOZMAN, ARKANSAS
ROGER WICKER, MISSISSIPPI
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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

115th Congress
1st Session

United States Senate COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

**BUILDING ACQUISITION
ROBERT T. STAFFORD U.S. POST OFFICE AND COURTHOUSE
RUTLAND, VT
PVT-BPS-RU16**

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE


that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the acquisition of the Robert T. Stafford U.S. Post Office and Courthouse from the United States Postal Service, located at 151 West Street, Rutland, Vermont, at an estimated total annual cost of \$6,431,000, and composed of 72,000 gross square feet of space, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the Administrator of General Services shall ensure that the space occupied by the U.S. Courts contains no more than one courtroom.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: May 22, 2018

Senator BARRASSO. I would like to now turn to Ranking Member Carper for his statement.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thanks, Mr. Chairman.

There are a number of items on the agenda for our business meeting today, including several important bipartisan pieces of legislation.

With respect to America's Water Infrastructure Act of 2018, once again, my thanks to you, Mr. Chairman. I also want to extend my thanks to our colleagues, Senator Inhofe, Senator Cardin, your staffs, my own staff for working with us on the important authorizing legislation for the Army Corps of Engineers.

I am proud of the bipartisan work we have done together on this legislation. I hope it will serve as a model for work that we, along with other committees, can do in the future to address our Nation's infrastructure needs even more broadly.

This bill is of great importance to our economy in Delaware, but I know that the First State's reliance on the Corps' work is not unique. Over 99 percent of the U.S. overseas trade volume moves through coastal channels that the Army Corps maintains. Think about that, over 99 percent maintained by the Army Corps of Engineers.

The Corps' inland waterways and locks form a freight network that provides access to international markets through our ports. They also serve as a critical infrastructure for the U.S. military.

Our bill authorizes investments in this system in multiple ways. Most notably, at the request of Secretary James and of many Senators both on and off our Committee, the bill better positions the Corps to be an active partner with ports, with communities, with States, Tribes, and other stakeholders in growing and expanding our Nation's economy.

I would also like to take a minute or two here to say a few words about the substitute amendment for S. 2602, the Utilizing Significant Emissions with Innovative Technologies Act, or the USE IT Act. I have added my name as a co-sponsor of the substitute of which our Chairman is the sponsor, and which Senator Whitehouse has done a huge amount of work. I applaud you both. As I said during the legislative hearing for S. 2602, I appreciate the Chairman's focus on solutions to climate change when it comes to carbon capture, utilization, and sequestration, also known as CCUS.

I have long believed that the wide deployment of CCUS technologies could reduce climate pollution emissions in our country and abroad, while providing a real win-win for coal communities, for manufacturing, and for our climate. That is why, for over a decade, I have supported, and in some cases, led efforts that spur the development of CCUS without weakening environmental and public health protection.

At the legislative hearing for this bill, I applauded the underlying efforts of the legislation, but voiced a couple of concerns. I was mainly concerned that the legislation could open the door for weaker environmental protections and unnecessary streamlining measures. Since the hearing, staff from the offices of the Chairman,

Senator Whitehouse, and other co-sponsors have worked closely with my own staff to try to address those concerns, and I especially want to thank the Chairman's staff for their hard work on this issue.

The substitute that is before us today is a reflection of that hard work, and I believe it represents a good compromise. Some of the key changes we are making today include requiring EPA to consult with the Department of Energy on CCUS research to avoid duplication and enhance coordination between our two agencies; requiring a robust report from the Council on Environmental Quality that will provide critical information about the CCUS Federal permitting process for anyone thinking of starting a CCUS project, as well as information about possible regulatory gaps needed for CCUS; and finally, adding additional environmental safeguards and public notice and comment period for any guidance produced by CEQ regarding the permitting process.

I suspect that the Chairman will probably agree that this substitute is not a bill either of us would have written on our own; however, if we are going to truly address big issues like climate change, we are going to have to find compromises that can work for both parties. With these changes in the substitute and with assurance from the Chairman that this legislation will not be used as a vehicle to attack the Clean Air Act, I will be voting yes.

I realize that we have some additional important work to do in order to move these two bills across the finish line, but today is a very important first step, and if we continue to work in a bipartisan fashion, I believe we will enact these bills into law this year, and our country will be better for it. So, let's get on with it, and as we do, let me express once again my heartfelt thanks to the members of our staff who have worked hard and constructively to bring us this far today.

Senator BARRASSO. Thank you, Senator Carper.

Senator Cardin, anything you would like to add?

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM THE STATE OF MARYLAND**

Senator CARDIN. Thank you, Mr. Chairman. I will be very brief because I think we now have a quorum.

Senator BARRASSO. We do.

Senator CARDIN. Would the Chairman prefer to vote, then I will make my statement?

Senator BARRASSO. Please.

Senator CARDIN. I will be very quick, then.

First, thank you for continuing the tradition of our Committee. This is a nonpartisan bill, has the strong support of both Democrats and Republicans in the best tradition of our Committee, moves forward on water projects that are important to all parts of our country. I particularly want to thank you for the work that we have done in the Chesapeake Bay Watershed. Both Poplar Island and Mid-Bay, which are critically important locations for dredge material, are advanced by this bill. The Anacostia River is advanced in its review.

As we commented earlier, thank you for your leadership on dealing with the small dockside businesses that cater to recreation and

tourism economies. The economic impact gives them a better chance to get their projects moving forward.

I am also pleased this is the third WRDA bill in a row that you include updates to our Nation's drinking water, wastewater, and stormwater infrastructure. I particularly want to acknowledge several bills, much of which are incorporated in here, that were worked on by members of this Committee: S. 1137, the Clean, Safe, Reliable Water Infrastructure bill. Senators Boozman, Inhofe, Duckworth, and others worked with me on this bill to improve increased water efficiency.

The Clean, Safe, Reliable Water Infrastructure Act includes \$225 million to protect the sources of our drinking water and funding to repair and eliminate sewer overflows.

Now, that hit home in Maryland just this past week with what happened in Frederick, Maryland, that saw historic rain last week. The rain soaked the region beginning Tuesday night, caused the wastewater treatment plant to take on more water than it could handle. Millions of gallons of untreated water were diverted into Carroll Creek to prevent equipment failure. So, this bill will help alleviate those types of issues in the future.

For those of you who watched the Preakness on Saturday, I think you saw how drenched we have been as a result of the water. This bill will help.

Second, S. 692, the Water Infrastructure Flexibility Act. I worked on that with Senators Fischer and Brown dealing with affordability and integrated planning. Important provisions are included in this bill. The bill also creates a multi-agency Federal task force to study the problems of funding and financing stormwater. The bill also addresses information concerning onsite wastewater recycling.

Finally, the bill incorporates much of S. 451, the Water Resources Research Amendments, that I worked with Senator Boozman to research increased effectiveness and efficiency of new water treatment facilities.

This is a great bill. I am proud to be associated with it, and I strongly support it.

Senator BARRASSO. Thank you, Senator Cardin.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. Since we do have a quorum here, I want to go ahead and get with that, but I will just ask that the statements that I made comparable to the statement of my friend be made a part of the record, so we can go ahead and vote.

Senator BARRASSO. Thank you very much, Senator Inhofe.

We will move ahead now. Since we have enough members who have arrived, we want to move to the votes on the items on today's agenda. The Ranking Member and I have agreed to vote on the USE IT Act by voice. The Ranking Member and I have also agreed to vote on the two Federal buildings and courthouse naming bills, the TVA nomination, the three GSA resolutions en bloc by voice.

Members may choose to have their votes recorded for a specific item in that bloc after the voice vote. The record will reflect any member requesting to be recorded on any item on today's agenda as long as he or she does so by the close of business today and it doesn't change the outcome.

I appreciate the comments of all of the members. I would like to call up now the substitute amendment to S. 2602, the Utilizing Significant Emissions with Innovative Technologies Act. This was circulated last Friday. The Ranking Member and I have agreed that this substitute shall be considered the original text for purpose of amendments. Members have not filed additional amendments to the substitute.

I move to approve the substitute amendment to S. 26—

Senator CARPER. Before we do that, Mr. Chairman, could I just ask unanimous consent to add Senator Heitkamp as a co-sponsor of the manager's amendment to S. 2602 in the nature of a substitute?

Senator BARRASSO. Without objection.

I now move to approve the substitute amendment to S. 2602 and report S. 2602, as amended, favorably to the Senate.

Is there a second?

Senator WHITEHOUSE. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. We have approved S. 2602, as amended, which will be reported favorably to the Senate.

Next is en bloc passage of six items. I would like to call up S. 2734, a bill naming a Federal building and the courthouse of Laredo, Texas; S. 2377, a bill naming a Federal building and courthouse in Dayton, Ohio; Presidential Nomination 1542, John Ryder of Tennessee to be a member of the Board of Directors of the Tennessee Valley Authority; and three General Services Administration resolutions en bloc.

I move to approve and report S. 2734, S. 2377, and Presidential Nomination 1542 favorably to the Senate, and approve three GSA resolutions en bloc.

Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. We have approved S. 2734, S. 2377, and Presidential Nomination 1542, which will be reported favorably to the Senate. We have also approved three GSA resolutions.

Next is America's Water Infrastructure Act. Now I would like to call up the substitute amendment to S. 2800, America's Water Infrastructure Act that was circulated last Friday. The Ranking Member and I have agreed that this substitute shall be considered the original text for purposes of amendments.

Members have filed amendments to the substitute. The Ranking Member and I have agreed to vote on four amendments en bloc by voice vote. Members may choose to have their votes recorded for a specific item in that bloc after the voice vote.

So, we have en bloc approval of four amendments. I would like to call up Duckworth No. 1, Sullivan No. 1, Markey No. 1, and Whitehouse No. 3 en bloc.

Anyone like to be heard on any of the amendments in this bloc?

Senator CARPER. I would like to make a very, very brief statement, if I could, Mr. Chairman.

This package of amendments represents more areas of consensus that were able to come together in bipartisan fashion in support. I recognize that a number of amendments were filed today and that we will continue to work with Committee members to address their priorities as this process moves forward.

I would just like to echo your point. We will continue to work with Senators Booker and Capito on their wastewater grant proposal, and Senators Markey and Gillibrand on their Section 111 matter. Both of these are key issues that need to be addressed, and they have our commitment to continue to work through these amendments as we get to the floor so that these proposals can be included, and I would encourage everyone to support the package nonetheless.

Senator BARRASSO. Thank you, Senator Carper.

At this time, I would like to approve Duckworth No. 1, Sullivan No. 1, Markey No. 1, and Whitehouse No. 3 en bloc.

Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it, and Duckworth No. 1, Sullivan No. 1, Markey No. 1, and Whitehouse No. 3 are all agreed to.

[The referenced amendments follow:]

S. 2800 – America’s Water Infrastructure Act

DUCKWORTH #1: Credit Transfer Enhancement

This amendment makes technical corrections to 33 U.S.C. § 2225 to facilitate the transfer of existing credits from a non-federal sponsor of a Section 211 project (Construction of Flood Control Projects by Non-Federal Interests) to another government entity, pending the approved by the Secretary.

Duckworth #1

EDW18435

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify a provision relating to credit in lieu of reimbursement.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2800

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. DUCKWORTH

Viz:

- 1 At the end of title I, add the following:
- 2 **SEC. 1 _____. CREDIT IN LIEU OF REIMBURSEMENT.**
- 3 Section 1022(b) of the Water Resources Reform and
- 4 Development Act of 2014 (33 U.S.C. 2225(b)) is amend-
- 5 ed—
- 6 (1) by inserting “all or a portion of” before
- 7 “such credit”; and
- 8 (2) by inserting “or of any governmental entity
- 9 to which such credit is transferred, subject to the

EDW18435

S.L.C.

2

1 condition that the Secretary approves the transfer”

2 before the period at the end.

S. 2800 – America’s Water Infrastructure Act

Markey #1

Regional Liaisons for Minority, Tribal, and Low-Income Communities– This provision required the EPA to appoint not fewer than 1 employee in each regional office to service as a liaison to minority, tribal, and low-income communities, and publically identify each regional liaison on the agency’s website.

MAZ18405

S.L.C.

S. 2800 Markey #1 Edward J. Markey

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the appointment of regional liaisons
for minority, Tribal, and low-income communities.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2800

To provide for the conservation and development of water
and related resources, to authorize the Secretary of the
Army to construct various projects for improvements
to rivers and harbors of the United States, and for
other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARKEY

Viz:

- 1 At the end of title V, add the following:
- 2 **SEC. 50 ____ . REGIONAL LIAISONS FOR MINORITY, TRIBAL,**
- 3 **AND LOW-INCOME COMMUNITIES.**
- 4 (a) IN GENERAL.—The Administrator of the Envi-
- 5 ronmental Protection Agency (referred to in this section
- 6 as the “Administrator”) shall appoint not fewer than 1
- 7 employee in each regional office of the Environmental Pro-
- 8 tection Agency to serve as a liaison to minority, Tribal,
- 9 and low-income communities in the relevant region.

2

1 (b) PUBLIC IDENTIFICATION.—The Administrator
2 shall identify each regional liaison appointed under sub-
3 section (a) on the internet website of—

4 (1) the relevant regional office of the Environ-
5 mental Protection Agency; and

6 (2) the Office of Environmental Justice of the
7 Environmental Protection Agency.

S.2800, Sullivan #1

Amendment to conform the definitions of Indian tribe with the Indian Self-Determination and Education Assistance Act to allow all recognized tribal entities to participate as a non-federal sponsor on projects, as well as cost share waivers that are currently available to tribes. Substitutes the current definition with a universally accepted definition that recognizes all tribes and tribal organizations that work on behalf of tribes.

Sullivan #1

MAZ18369

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To change certain references to Indian tribes.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2800

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SULLIVAN

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. _____. REFERENCES TO INDIAN TRIBES.**
- 3 (a) COST SHARING PROVISIONS.—Section 1156(a)(2)
- 4 of the Water Resources Development Act of 1986 (33
- 5 U.S.C. 2310(a)(2)) is amended by striking “(as defined”
- 6 and all that follows through the period at the end and
- 7 inserting “or tribal organization (as those terms are de-
- 8 fined in section 4 of the Indian Self-Determination and
- 9 Education Assistance Act (25 U.S.C. 5304)).”.
- 10 (b) WRITTEN AGREEMENT REQUIREMENT FOR
- 11 WATER RESOURCES PROJECTS.—Section 221(b)(1) of the

2

1 Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)(1))
2 is amended by striking “(including a” and all that follows
3 through “; or” at the end and inserting “(including an
4 Indian tribe and tribal organization (as those terms are
5 defined in section 4 of the Indian Self-Determination and
6 Education Assistance Act (25 U.S.C. 5304)); or”.

S. 2800 – America’s Water Infrastructure Act

Whitehouse #3

An amendment requiring the Corps to submit a report to Congress identifying ongoing and recently completed projects in coastal states, analyzing how these projects correspond to State-approved coastal plans, and making recommendations as to how these state plans can be better incorporated into the Corps’ work.

Whitehouse #3

MAZ18421

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require a report on Corps of Engineers activities.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2800

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WHITEHOUSE

Viz:

1 At the end of subtitle G of title III, add the following:

2 **SEC. 36____. REPORT ON CORPS OF ENGINEERS ACTIVITIES.**

3 (a) DEFINITIONS.—In this section:

4 (1) APPLICABLE COASTAL STATE.—The term
5 “applicable coastal State” means a coastal State
6 that has a State-approved plan.

7 (2) STATE-APPROVED PLAN.—The term “State-
8 approved plan” includes—

9 (A) a coastal management plan;

10 (B) a special area management plan;

2

1 (C) a coastal master plan; and

2 (D) other similar coastal planning and re-
3 siliency strategies.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary shall submit to
6 Congress and each applicable coastal State a report that
7 includes—

8 (1) a summary of all active and recently com-
9 pleted work of the Corps of Engineers in each appli-
10 cable coastal State;

11 (2) an analysis of how the work described in
12 paragraph (1) corresponds to, fits under, or com-
13 plements any existing State-approved plan; and

14 (3) recommendations for improved implementa-
15 tion of State-approved plans through existing au-
16 thorities of the Corps of Engineers, including by, if
17 appropriate—

18 (A) allowing State-approved plans to be
19 submitted for proposed inclusion in the annual
20 report entitled “Report to Congress on Future
21 Water Resources Development” and submitted
22 to Congress pursuant to section 7001 of the
23 Water Resources Reform and Development Act
24 of 2014 (33 U.S.C. 2282d); and

3

1 (B) including specific projects included in
2 a State-approved plan in the continuing au-
3 thorities program (as described in section
4 3002).

Senator BARRASSO. Several members have requested to enter into colloquies on matters relating to this bill. We will enter into those colloquies after we have concluded the voting.

Does any Senator seek recognition to offer an amendment that is not related to those colloquies?

[No audible response.]

Senator BARRASSO. I see no further members seeking recognition to offer an amendment, so I move to approve the substitute amendment to S. 2800, as amended, and report S. 2800, as amended, favorably to the Senate. We will hold a roll call vote.

Is there a second?

Senator CARPER. I second.

Senator BARRASSO. The Clerk will call the roll.

The CLERK. Mr. Booker.

Senator BOOKER. Aye.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Aye.

The CLERK. Mrs. Capito.

Senator CAPITO. Aye.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Carper.

Senator CARPER. Aye.

The CLERK. Ms. Duckworth.

Senator CARPER. Aye by proxy.

The CLERK. Mrs. Ernst.

Senator ERNST. Aye.

The CLERK. Mrs. Fischer.

Senator FISCHER. Aye.

The CLERK. Mrs. Gillibrand.

Senator GILLIBRAND. Aye.

The CLERK. Mr. Inhofe.

Senator INHOFE. Aye.

The CLERK. Mr. Markey.

Senator MARKEY. Aye.

The CLERK. Mr. Merkley.

Senator MERKLEY. Aye.

The CLERK. Mr. Moran.

Senator BARRASSO. Aye by proxy.

The CLERK. Mr. Rounds.

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders.

Senator CARPER. Aye by proxy.

The CLERK. Mr. Shelby.

Senator SHELBY. Aye.

The CLERK. Mr. Sullivan.

Senator SULLIVAN. Aye.

The CLERK. Mr. Van Hollen.

Senator CARPER. Aye by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator WICKER. Aye.

The CLERK. Mr. Chairman.

Senator BARRASSO. Aye.

The CLERK. Mr. Chairman, the yeas are 21.

Senator BARRASSO. The yeas are 21, the nays are zero. We have approved S. 2800, as amended, which will be reported favorably to the Senate.

I want to thank each and every one of you.

The voting part of the meeting is finished. I am now happy to recognize members who would like to enter into colloquies, and I know, Senator Inhofe, you were kind enough to hold back on your opening comments because we did have a quorum, and we wanted to make sure that people could vote as they were here, so I want to thank all of you for agreeing to defer the colloquies until after the conclusion of the voting.

Senator Carper, perhaps before we jump to the colloquies, Senator Inhofe, he could make his opening statement.

Senator CARPER. That would be fine.

Senator BARRASSO. Thank you.

**OPENING STATEMENT OF HON. JAMES M. INHOFE,
U.S. SENATOR FROM THE STATE OF OKLAHOMA**

Senator INHOFE. Thank you, Mr. Chairman and the Ranking Member, Senator Cardin, all of the staffs that got this bill to this point.

In 2014 we had a WRDA bill for the first time in 7 years. Initially, we were supposed to have WRDA bills every other year, so we made the commitment at that time that we were going to start having them, so we had it in 2014, 2016, now 2018 we are keeping our word. I appreciate the Chair and the Ranking Member's commitment to continue the cycle. With the House releasing their bill last week and marking up this week, too, we are on track.

So, if you hear that Congress isn't working on an infrastructure bill, remind them that our water resources and our water treatment system are considered infrastructure, very important infrastructure.

Our ports are responsible for 99 percent of our overseas trade, making up a fourth of our economy. Fourteen percent of our domestic freight travels on inland waterways. I might add that one of those inland waterways, which is the most inland warm water port in America, happens to be in my State of Oklahoma.

The America's Water Infrastructure Act provides project funding authorizations for many critical projects. The programs are also reforming the Corps' budget, cutting red tape, providing more transparency, and increasing local input when it comes to Corps priorities, so I look forward to continuing to work with my colleagues as we ensure all of our infrastructure, the backbone of the economy, is prioritized.

Senator BARRASSO. Well, thank you so much, Senator Inhofe. We appreciate your comments and your leadership as the former Chairman of the Committee and now as the Chairman of the Subcommittee dealing with this topic.

Senator INHOFE. Thank you.

Senator BARRASSO. Thank you so much.

Senator Carper.

Senator CARPER. Mr. Chairman, I want to raise an issue regarding Section 1041, a provision related to the benefit to cost ratio, known as BCR. I think the current drafting may have some unintended consequences. I want to work with you and your staff, we want to work with you and your staff to modify the language in this section to make a technical correction that better reflects our intent. Specifically, the provision, as currently drafted, may limit the ability to seek court review of errors in a benefit to cost ratio, and if there are errors in the benefit to cost ratio, then parties should have a process for those errors to be remedied.

Senator BARRASSO. Well, I want to thank you, Senator Carper, for raising this issue, which is a concern for all of us. We agree that there should be one BCR on a single project. We both share the concerns, though, that any BCR changes during project construction could cause delays and waste taxpayer dollars. I am going to be happy to work with you to remedy the language as we move to the floor.

Senator Rounds, you are recognized.

Senator ROUNDS. Thank you, Mr. Chairman. I had originally intended to offer an amendment today that would address a significant issue facing my State and others. The Army Corps of Engineers, under a process begun by the previous Administration, is attempting to finalize surplus water rules that could deprive the States of their legal water rights. In addition, the Corps has created unnecessary red tape and requirements for the people of my State to be granted easements for routine infrastructure upgrades.

But in lieu of offering an amendment, Mr. Chairman, I would simply ask that you, if you would, please, commit that you and your staff would continue to work with me on statutory language to address these issues.

Senator BARRASSO. Absolutely, Senator Rounds. I look forward to working with you regarding this important issue as we consider a manager's amendment to the floor, so thank you, Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you.

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman. I want to thank you and the Ranking Member for your leadership and commitment to passing another strong water resources bill in this Congress. As the bill moves to the floor, I welcome the opportunity to work with this Committee to address another pressing water resource challenge plaguing Massachusetts.

The Town of Sandwich, on Cape Cod, has suffered from coastal erosion over several years, which may be a result of the Federal Cape Cod Canal interrupting the natural flow of sediment, that is, the sand which flows into the channel rather than onto the beach. The town is currently seeking assistance from the Corps to nourish, that is, to put sand on the beach using a special program that was established to mitigate the damage caused by other Federal projects, for example, channels and sea walls.

Under this program, the Corps typically pays for the entire cost of the restoration, and the reason why is simple: if Federal infrastructure is causing harm to our communities, it is the Federal Government's obligation to make those communities whole. Yet the

Corps may require communities to pay half of the cost of maintaining those beaches after they are restored, that is, placing that additional sand on them once the sand has eroded.

That is not the spirit of the law. That is why I filed an amendment requiring the Corps to pay for the full cost of future nourishments. I thank Senator Gillibrand for co-sponsoring my amendment, and I would like to work with you, Mr. Chairman, and the Ranking Member on this pressing issue before we reach the floor.

Senator BARRASSO. Well, thank you, Senator Markey. I do appreciate your interest in addressing the issues of the beneficial use of sediment. As you know, Secretary James raised this very issue in our hearing on America's Water Infrastructure Act just last week, so I believe we need to find a national fix for this issue, and I look forward to working with you to address this important issue as we move to develop a manager's amendment for the floor, so thank you very much, Senator.

Senator MARKEY. Thank you.

Senator BARRASSO. Senator Booker, you are recognized.

Senator BOOKER. Mr. Chairman, I am really grateful to be recognized, but I am also grateful for you and Senator Carper for putting together this really impressive bipartisan bill. To hear it passed with unanimity is testimony to both of your leadership. I am grateful, and I am thankful, really, to all the staffs. My team has been working with folks on both sides of the aisle. I think this is really, unfortunately, a part of my Washington experience that is very little talked about outside of Washington, the kind of work that went into this.

I am really pleased to work with Senator Capito; it has been a great experience working with her staff throughout this experience, especially on the Water Workforce Development Act I, which was included in this legislation, something I am very proud of, really needed in my State, and I know, others. There is a growing shortage of water workers in the utility sectors. This shortage threatens the safety and efficiency and the management of our drinking water systems and our wastewater systems. The new program is just an important first step to address this issue.

I want to also thank, in his absence, Senator Boozman for his leadership on the SRF WIN Act. I am proud to support this innovative provision that will help States fund bundles of water infrastructure projects that are construction ready, but often lack the funding to move forward.

I filed three amendments, as you all know, that I did not call up today for a vote, and I was grateful, frankly, for both of my Chairmen and Ranking Members for agreeing to work with me and Senator Capito as these move to the floor. In particular, I am glad to have recently introduced, along with Senator Capito and Senator Jones, the Residential Decentralization Wastewater Improvement Act. Senator Carper talked to me before this hearing directly, as his staff has already affirmed the willingness and the interest to work with us on this.

I filed this amendment and withdrew it because of the commitment I got from leadership to work with me on this, and I just want to really make clear my motivations here. I have now traveled now only throughout my State, but throughout the country,

and been anguished to see what is happening to low income and moderate households who have such difficulty connecting to existing wastewater infrastructure or installing upgrades to septic systems. This is a national problem causing things that should not go on in the wealthiest Nation on the planet Earth.

I have seen firsthand in rural parts of our country how low income homes, often in minority areas, that there are upwards of half the populations that are not connected to municipal water systems. I will never forget touring Alabama, Lowndes County, the very famous civil rights county where the marchers from Selma to Montgomery walked through. I was stunned to see that there are so much challenges there with just septic problems.

I found out about this because, on my Senate Foreign Relations Committee, I am the Ranking on the Africa Subcommittee, met with Dr. Peter Hotez, who is the probably top American doctor on neglected tropical diseases, and we wanted to do something about hookworm problems in Africa, and he hands me his book at the beginning of the meeting, and I am flipping through the pages, and I was shocked to see that the United States had these problems. An estimated 12 million Americans who are suffering from tropical diseases like hookworm, and most doctors in this country don't think exists on this continent. And that drew me down to the Black Belt in the South, where I started seeing the communities that are being affected by this.

It is shameful. It is just shameful that we are not addressing these problems. So, I just want to say I am deeply grateful for this bipartisan effort. I really am thankful to Senator Capito for her leadership and partnership in driving these issues.

There is a moral imperative to deal with these issues. The suffering that is going on in places from my State to others because of the lack of these simple basic connections to wastewater systems and municipal water systems is just something that we can address. We have the power to do this; this is not one of those issues that it is a matter of can we, it is do we have the collective will, and I am grateful to see that will evidenced by my Ranking and my Chairman, as well as other colleagues on this Committee, and I am grateful to you for giving me this time to make some remarks.

Senator BARRASSO. Senator Carper.

Senator CARPER. Senator Booker and I were able to talk for a couple minutes about this earlier. Our southernmost county is Sussex County. We don't have many counties, but it is the third largest county in America, and most of it is pretty rural. Raised a lot of soybeans and chickens and all there, but we have several dozen communities that were developed with housing maybe 30, 40 years, and at the time the developer installed wastewater treatment, and there was a drinking water system that was supposed to be maintained through fees collected from the residents in those communities. Over time people moved, folks stopped collecting the fees, and we have situations where the quality of the drinking water is not what it ought to be and where the ability to safely dispose of wastewater is not what it should be.

We have an interesting pilot, a couple of interesting pilots going on in a couple of those communities that use I think a little bit of Federal money, along with involvement of a utility and one or two

non-profits to see if we can't come up with a cost effective way to meet the moral imperative that you are talking about. So, I am interested in exploring this further and working with you and Senator Capito, and I suspect the Chairman feels the same way. Hopefully, we can have something ready to go by the time this bill comes to the floor.

Thank you.

Senator BARRASSO. Well, I want to thank you, Senator Booker, and I want to thank you, Senator Capito, for raising the issue. The language would greatly expand the Clean Water Act. It is my understanding that this issue possibly could be better suited in the Farm Bill, and you are trying to include similar language in that bill, but I want to work with you on this issue as we move forward with the legislative process.

I just wanted to give Senator Capito, since you raised her involvement, an opportunity to speak to this or other matters related to the bill.

Senator CAPITO. Thank you, Mr. Chairman. I thank the Ranking Member. I am delighted that we have come to this point where we are unanimous for the WRDA bill. I am glad that we are updating it in the timeframes that we need to.

I want to thank Senator Booker, as well, for working with us and including in this bill the Water Workforce Improvement Act. A lot of our workers who are tending to our water systems are aging out, and it is not a career that a lot of people are really aspiring to. Although it is a very highly technical career, as well, and we need to make sure that we are addressing the challenges of an aging work force there, so, thank you, Senator Booker, for that.

Also, I look forward to working with you both on the septic tank issue. Obviously, in rural areas it is of great concern. I am going to be honest with you, Senator Booker, I did not realize the statistics were as high as they are in terms of diseases that are transmitted because of faulty or infected systems, so that, in and of itself, is rather startling.

There is also another portion of this bill that you all included for me, and I appreciate that, and these are intractable water systems. These are systems that don't belong to a municipality. Many of them in my State are in the southern part of the State where they were old coal camps that have now been abandoned. There is no data, there is no help for these entities to be able to manage these systems, so any help that we can get. A lot of them are under boil water advisories, which, in and of itself, you think are we still living in a time where we are boiling water? But yes, we are, and some people are bringing their water in, so working with that is good.

You also included the Buy America requirements that are for funding of the Safe Drinking Water State Revolving Fund, so I appreciate that as well.

I would like to talk about the USE IT Act. Nobody has talked about that; it is sort of overshadowed. But I see Senator Whitehouse there, and he has been a great co-conspirator here with us, working together with the leadership of this Committee, because we started with the 45Q tax credit issue for CCUS. We come at it from different angles here. Obviously, I am from a coal State who

wants to see the use of coal still have as long a life as possible. I don't want to speak for Senator Whitehouse, but he has come to it for a carbon capture interest.

So, this initiative was kind of difficult because it will help incorporate different viewpoints of Federal agencies, States, industry, academic, NGOs, to figure out the permitting process for innovative projects; like how are we going to carry the carbon. We don't really have the permitting process in place. This will give us a playbook for those projects. A lot of this that is occurring now in some of the innovation is sort of stumbling in the dark, so I think a good framework, which the USE IT Act will bring.

I would also like to take a moment to thank my staff, because I know our staffs have worked very hard on this. We have a great co-sponsorship of Barrasso, Heitkamp, and Senator Whitehouse, as I mentioned, and I want to thank the Ranking Member and Senator Duckworth for signing on to the manager's amendment.

But I would like, in particular, to thank Travis Cohen, who is my staff person who has done a wonderful job, but in particular Elizabeth Horner, who is Senior Counsel for EPW Majority on the Council for the Clean Air and Nuclear Safety Subcommittee, which I chair. So, thank you to both of them, and I look forward to us working together to refine this and to hopefully get it through the entire Senate.

Thank you very much.

Senator CARPER. I would just add I think you were out of the room when I asked unanimous consent that Senator Heitkamp's name also be added as a co-sponsor to the manager's amendment, so she has joined the team as well.

Senator CAPITO. Great. Thank you.

Senator BARRASSO. Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman.

First, on the USE IT Act, let me say a very big thank you to you and to the Ranking Member for your leadership getting this moving. It has been a pleasure to work with the Chairman, Senator Capito, Senator Heitkamp, and Senator Duckworth on this piece of legislation.

I want to thank the Audubon Society, The Nature Conservancy, the Clean Air Task Force, the Center for Climate and Energy Solutions, and many other groups for their support of this measure.

I understand that there remain some concerns with the permitting section of the bill, but I come from a State that is now providing clean electrons to the grid from offshore wind, the first in the country, and the reason that we are doing that is because we made a more efficient permitting regime for offshore wind.

I have been involved in other reforms that have involved regulatory efficiency, and I think it is really important that we be able to work together on those issues.

To the extent that regulatory efficiency and regulatory improvement becomes a stand in for environmental degradation, please know that I and others will stand watch against that.

The CCUS legislation that we enacted is going to be, I think, empowered by this. It is one thing to take the carbon dioxide out of the air at the plant; it is another thing to be able to get it to where it can find a beneficial use, whether it is to put bubbles into soda

or to be used for industrial purposes or for whatever use, and there is not, as Senator Capito said, a very effective existing regime for how you send CO₂ pipelines places.

In Rhode Island, we have a lot of algal technologies developing through groups like bioprocessH2O and Ag Corps, and obviously the use and development of algae, which feeds off of carbon dioxide, is one of the many uses that our CCUS bill will support. Brown University has a center for the capture and conversion of CO₂, which I want to thank for their work in this area.

And we don't really know yet, but this could be quite a big thing. The National Academies have estimated that direct air capture technology has the potential to remove a billion metric tonnes of CO₂ annually, and that could be a very important component of our efforts to address the climate crisis, so I thank all of the bipartisan participants in this effort.

On the WRDA bill, a particular thank you again to Senators Barrasso, Carper, Inhofe, and Cardin for their work getting this bill together. There are a lot of my priorities that are in this bill, and I appreciate it very much.

And I appreciate very much our Ranking Member's pledge to continue to work to try to balance the Flood and Coastal Storm Damage Reduction Fund, which at this point, despite referring to coastal storm damage right in its title, runs \$37 to \$1 for inland over coastal projects. I have raised that with Mr. James, and we are going to continue to work to try to get a little bit more balance there.

A big and final thank you to Senator Boozman for his SRF WIN bill. I have raised the issue before of how WIFIA is simply not useful to Rhode Island because it operates at a scale, and with interest costs, it simply makes it non-competitive. And I think Senator Boozman's amendment, which would open up the WIFIA program to States like mine, is potentially a game changer for us and very important, so I want to particularly thank him for working to address this concern in a bipartisan way.

And again, Mr. Chairman, thank you.

Senator BARRASSO. Well, thank you so much for all of your comments. Everyone here has had a chance and opportunity to speak on all of the pieces before us, so I ask unanimous consent that—before doing that, though, I will turn to Senator Carper.

Senator CARPER. Before Senator Whitehouse wraps up, I just want to thank him and applaud him and his staff, as well as the Chairman and his staff, Senator Capito. You all have done very good work, and we appreciate you working with us to I think make a good bill even better.

Sheldon just said that this could be the start of something big, or words to that effect. I think he is right. We need something big, and to the extent that we can actually produce that, hallelujah. That would be great.

Mr. Chairman, I have a statement for the record from Senator Duckworth. I would just ask unanimous consent that it be added, please.

Senator BARRASSO. Without objection.
[The referenced information follows:]

STATEMENT OF HON. TAMMY DUCKWORTH,
U.S. SENATOR FROM THE STATE OF ILLINOIS

The Utilizing Significant Emissions with Innovative Technologies Act is a significant step forward in the fight against climate change. This bipartisan bill recognizes the important role of carbon capture, utilization, and storage (CCUS) in reducing emissions. These emerging technologies will not only help combat climate change, but will enhance our economy, advance new industries, and create new American jobs.

I would like to thank the authors of the USE IT Act for working diligently with me to include important language on permanent geologic storage. Carbon storage is the key to ensuring these emissions are safely kept in the ground to help limit the harmful impacts of climate change. Illinois is a leader in carbon storage research and infrastructure, and I am proud that my home State is helping us better understand how to deploy these technologies in an effective and safe manner.

As I noted at the legislative hearing, the Intergovernmental Panel on Climate Change found that the cost of reducing carbon emissions will be at least 140 percent higher without CCUS. This important legislation promotes investment in low carbon technology infrastructure and research in emerging, innovative low carbon technologies. Our Nation must embrace every pathway to lowering emissions and bolstering our economy. This bill plays a critical role in achieving both these goals.

STATEMENT OF HON. TAMMY DUCKWORTH,
U.S. SENATOR FROM THE STATE OF ILLINOIS

Mr. Chairman, I want to thank you, Ranking Member Carper, Subcommittee Chairman Inhofe, and Ranking Member Cardin for your leadership in advancing this important legislation. America's Water Infrastructure Act is an important and thoughtful effort to improve the effectiveness and efficiency of the U.S. Army Corps of Engineers, strengthen our Nation's water infrastructure, and advance dozens of projects nationwide that are critical to public health and safety.

Included in this WRDA reauthorization legislation are key provisions that will empower communities to partner with the Corps of Engineers to advance regionally significant projects by requiring Corps districts to produce 5-year budgets and work plans with input and participation from local and regional stakeholders. The bill steers funding to Corps districts to create these work plans and prospective budgets, adding more transparency to Corps budgeting activities.

Many communities in Illinois that have been frustrated by the Corps' antiquated "Benefit-to-Cost Ratio" will breathe a sigh of relief from provisions included in this legislation that require the Comptroller General to examine benefit-cost calculations and require the National Academy of Sciences to study the Corps' project planning process to determine if the Corps should move away from the existing project-based authorization process.

I am also proud of the other provisions included in this legislation that will benefit Illinois by optimizing opportunities for managing wet weather events in ways that bolster a community's resiliency. One such provision integrates the Corps' work with local municipal stormwater management projects to help ensure broader water resource management goals are met. The bill also requires the Corps to review their procedures for addressing urban flood risk to allow more active Federal participation in urban flooding events and prioritizes the McCook Reservoir project to better protect 5 million Chicago-area residents from flooding in their homes and businesses.

This WRDA legislation makes enormous strides in protecting one of Illinois' most precious resources, the Great Lakes, through a reauthorization of the Great Lakes Restoration Initiative with increased funding authorizations of \$30 million in fiscal year 2019, \$60 million in fiscal year 2020, and \$90 million in fiscal year 2021. The bill includes the Great Lakes Coastal Resiliency Study to facilitate meaningful coordination between various Federal and State agencies to produce recommended actions to manage and protect the Great Lakes coastline—an effort supported by all eight Great Lakes States. The bill also calls on the Corps to complete a final feasibility report for the Brandon Road Study by February 2019 and makes it easier for existing local funding to be used in this important effort.

As the Ranking Member of the Fisheries, Water, and Wildlife Subcommittee with jurisdiction over Federal drinking water and wastewater infrastructure programs, I am very pleased that the bill reinforces congressional commitment to the Clean and Safe Drinking Water State Revolving Funds by calling for robust funding of capitalization grants. I am also pleased that the Committee included a reauthorization of the Water Infrastructure Finance and Innovation Act (WIFIA) pilot program to help accelerate water infrastructure investment by providing long term, low cost

supplemental loans for regionally and nationally significant projects. At the urging of Subcommittee Chairman Boozman, the bill also includes new innovative financing options for States and communities to consider a wider array of investment opportunities. Finally, I am heartened to see that Buy America protections for drinking water infrastructure projects were made permanent in the bill, which are critically important to our domestic steel industry.

This bill is a significant and meaningful step forward for the thousands of communities that depend on modern ports and waterways, safe and reliable water infrastructure, or deal with pervasive flooding. This legislation sets the stage for modernizing our waterways so that American industries that rely on efficient, safe, and reliable transportation systems can remain competitive in the global marketplace, but more must be done to address our backlog of aging locks and dams by including additional innovative mechanisms to increase funding for these critical assets on the Mississippi and Illinois Rivers, among others.

Mr. Chairman, Ranking Member Carper, I want to thank you again for your leadership on this important effort and your commitment to continue working with members of this Committee throughout the legislative process. I look forward to continuing our dialogue about how to enhance lead testing and monitoring of drinking water infrastructure at schools to protect public health and the safety of our children.

Finally, I would like to thank the Committee staffs, both majority and minority, for their tireless work and dedication to this bipartisan effort. I strongly encourage my colleagues to support S. 2800, the bipartisan America's Water Infrastructure Act.

Senator CARPER. And Mr. Chairman, I also have several letters of support for the record for America's Water Infrastructure Act. These include the American Society for Civil Engineers, National Park Conservation Association, Great Lakes Commission, American Shore and Beach Preservation Association, National Association of Counties, Audubon, American Rivers, Nature Conservancy, U.S. Conference of Mayors, National League of Cities, and League of Conservation Voters.

I would ask that those letters be submitted for the record.

Senator BARRASSO. Without objection.

Senator CARPER. Thank you very much.

[The referenced information was not received at time of print.]

Senator BARRASSO. And I have a similar long list of letters for the record, and I would be happy to submit them, without objection, and that will be done.

[The referenced information follows:]

May 21, 2018

Senator John Barrasso
Chairman,
Committee on Environment & Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member,
Committee on Environment & Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Senator Jim Inhofe
Chairman,
Transportation & Infrastructure Subcommittee
205 Russell Senate Office Building
Washington, DC 20510

Senator Ben Cardin
Ranking Member,
Transportation & Infrastructure Subcommittee
509 Hart Senate Office Building
Washington, DC 20510

Re: Support for America's Water Infrastructure Act

Dear Chairman Barrasso, Ranking Member Carper, Senator Inhofe and Senator Cardin,

The nation's leading construction, engineering, municipal, conservation, public works, infrastructure finance, labor and manufacturing organizations, support America's Water Infrastructure Act and applaud the inclusion of the Securing Required Funding for Water Infrastructure Now Act - the SRF WIN Act. The inclusion of the SRF WIN Act in the America's Water Infrastructure Act will bring billions of dollars in critical water and wastewater infrastructure funding to thousands of communities across the nation. We greatly appreciate your commitment to improving our nation's water infrastructure and look forward to working with you to secure broad bipartisan support for passage and enactment of the America's Water Infrastructure Act.

The Innovative Financing for State Loan Funds provisions in America's Water Infrastructure Act utilize the substantial leveraging of Federal infrastructure funding established through the Water Infrastructure Finance Innovation Act (WIFIA) to finance the existing Clean Water Act and Safe Drinking Water Act State Revolving Funds (CWA and SDWA SRFs). State Finance Authorities have been successfully financing wastewater infrastructure projects through the CWA SRF for the past 30 years and drinking water infrastructure through the SDWA SRF for the past 20 years. State Finance Authorities have solicited and assessed thousands of water infrastructure project proposals submitted by large and small communities in every state and Congressional District. States currently have thousands of vetted water infrastructure projects awaiting SRF funding.

State Finance Authorities are in an ideal position to combine WIFIA leveraged funding with existing SRF Funds to expeditiously finance thousands of existing water infrastructure projects. The America's Water Infrastructure Act makes this essential water infrastructure funding and finance synergy a reality.

As America's leading advocates for significant, fiscally responsible, investment in our nation's water infrastructure we are committed to working with you to deliver the America's Water Infrastructure Act to the President's desk this year.

Sincerely,

- **American Council of Engineering Companies – ACEC**
- **American Composite Manufacturers Association - ACMA**
- **American Public Works Association – APWA**
- **American Society of Civil Engineers – ASCE**
- **Arkansas Natural Resources Commission – ANRC**
- **Arkansas Rural Water Association - ARWA**
- **Associated General Contractors of America – AGC**
- **Ducks Unlimited – DU**
- **Grasslands Water District -- GWD**
- **Hydraulic Institute – HI**
- **International Union of Operating Engineers – IUOE**
- **Laborers International Union of North America – LIUNA**
- **Land Trust of Arkansas – LTA**
- **Milwaukee Metropolitan Sewer District - MMSD**
- **National Association of Clean Water Agencies – NACWA**
- **National Electrical Contractors Association - NECA**

- **National Rural Water Association – NRWA**
- **NEW Water**
- **Riceland Foods**
- **Rural Community Assistance Partnership – RCAP**
- **United Association of Plumbers and Pipefitters - The United**
- **Vinyl Institute – VI**
- **Water Infrastructure Network – WIN**
- **Water Systems Council – WSC**
- **Water Well Trust -- WWT**

May 22, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
U.S. Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
U.S. Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

We, the undersigned organizations are very pleased with your commitment and leadership in the development of S. 2800, America's Water Infrastructure Act of 2018. In particular, we offer our support for a provision authored by Senator Inhofe (R-OK) included in the Chairman's substitute amendment that will improve U.S. Army Corps of Engineers (Corps) transparency by establishing a publicly available national database of Corps real estate assets.

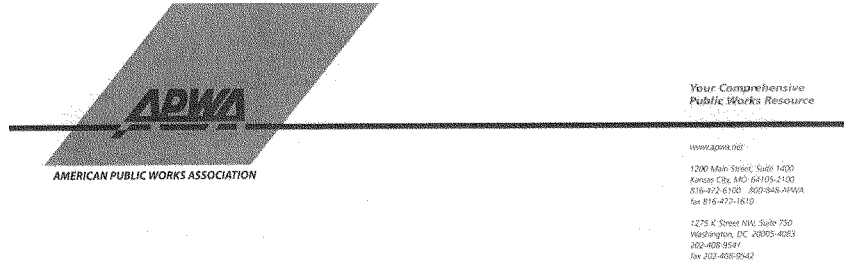
The Corps currently possesses or is responsible for the management of substantial land holdings. The district offices are currently preparing a digital system for disclosing their land holdings, but only at the district or regional level and not accessible to the public. It is currently difficult for project proponents to determine where and whether Corps real estate interests exist because they are not clearly identified in a database or record.

We support the provision to establish a publicly available central portal for those disclosures so that all stakeholders can more easily view the depth and breadth of the Corps' holdings. This public database would alert potential applicants of the need to obtain special authorization in a given area and would relieve the Corps of the need to enumerate its real estate interests every time a prospective applicant requests this information.

The establishment of a Corps real estate database reflects good Government and optimizes resource requirements for applicants and the Corps. We look forward to continuing to work with you on S. 2800, America's Water Infrastructure Act of 2018.

Sincerely,

American Petroleum Institute
Associated General Contractors
National Waterways Conference
Waterways Council, Inc.



May 21, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the American Public Works Association (APWA) and our more than 30,000 members, I am writing to thank you for your inclusion of S. 2364, the Securing Required Funds for Water Infrastructure Now (SRF WIN) Act of 2017, in the final manager's amendment for S. 2800 America's Water Infrastructure Act of 2018. APWA is appreciative of your efforts to pass this important bipartisan legislation as a vehicle to address water infrastructure issues.

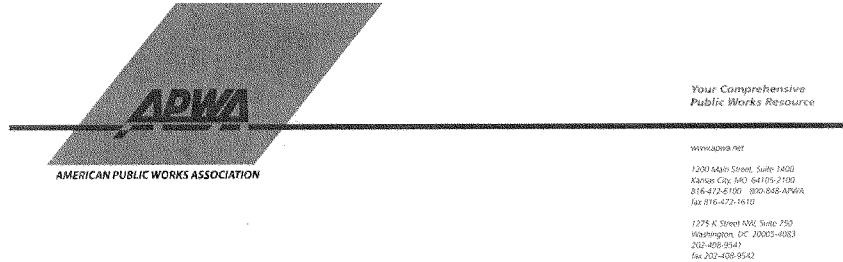
The SRF WIN Act will help communities across our nation maintain and enhance their water infrastructure by providing much needed financial support. The legislation provides dedicated federal funding, directly to states, allowing our nation's communities to finance essential water infrastructure projects. By applying the leveraging component of the Water Infrastructure Finance Innovation Act (WIFIA) program directly to the state-administered State Revolving Fund (SRF) programs, SRF WIN has combined the best elements of both programs. Additionally, by providing funding directly to state financing authorities, as prescribed in WIFIA, the legislation has streamlined the application process, allowing states to bundle projects from their intended use plan into one application. Finally, SRF WIN includes language preserving continued federal funding for the SRF Capitalization Grant program and WIFIA, ensuring that funding levels for those programs will not decrease.

APWA is immensely supportive of the work you and the Senate Environment and Public Works Committee have done to address the issues surrounding water infrastructure in our country. Specifically, we are pleased to see inclusion of the following provisions in S. 2800:

- Study on WIFIA implementation impediments (Sec. 1028);
- Local government water management plans (Sec. 1042);
- Stormwater infrastructure funding task force (Sec. 5001);
- Reauthorization of the WIFIA program (Sec. 5002);

PRESIDENT
William B. (Bud) Zieg, Jr., PAWT

EXECUTIVE DIRECTOR
Scott D. Giverson



- Water infrastructure flexibility (Sec. 5006);
- Study on intractable water systems (Sec. 5008);
- Water infrastructure and workforce investment (Sec. 5010);
- Sense of Congress relating to State Revolving Funds (Sec. 5011); and
- GAO study on WIFIA projects in small communities, rural communities, disadvantaged communities, and Tribal communities (Sec. 5012).

All these elements, combined with language enabling the Army Corps of Engineers to undertake important projects throughout the country, combine to make S. 2800 a positive step in finding solutions to our nation's water infrastructure problems.

Each day public works professionals are diligently working to protect and maintain the critical infrastructure that is so essential to protecting our health and quality of life. Because of our shared commitment, APWA looks forward to continuing to work with you and your staff on this legislation to help public works professionals meet our water infrastructure challenges.

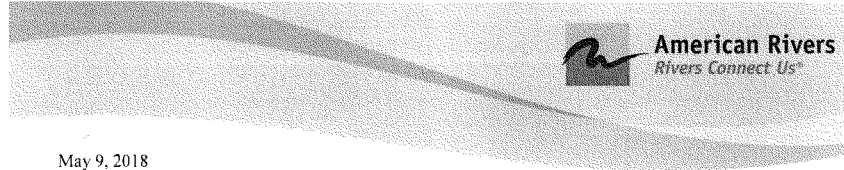
Sincerely,

William "Bo" Mills

William B. (Bo) Mills, Jr., PWLF
President

PRESIDENT
William B. (Bo) Mills, Jr., PWLF

EXECUTIVE DIRECTOR
Scott D. Gerson



May 9, 2018

The Honorable John Barrasso
Chairman
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jim Inhofe
Chairman
Environment and Public Works Committee
Transportation and Infrastructure Subcommittee
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Environment and Public Works Committee
465 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Benjamin L. Cardin
Ranking Member
Environment and Public Works Committee
Transportation and Infrastructure Subcommittee
465 Dirksen Senate Office Building
Washington, DC 20510

RE: America's Water Infrastructure Act of 2018

Dear Chairmen Barrasso and Carper and Ranking Members Inhofe and Cardin:

On behalf of American Rivers' members and supporters, thank you for introducing America's Water Infrastructure Act of 2018. American Rivers appreciates the work you and your staff have put into developing this bipartisan bill to authorize water infrastructure projects and programs by the Army Corps of Engineers and the Environmental Protection Agency.

American Rivers protects wild rivers, restores damaged rivers, and conserves clean water for people and nature. Since 1973, American Rivers has protected and restored more than 150,000 miles of rivers through advocacy efforts, on-the-ground projects, and the annual America's Most Endangered Rivers® Campaign. Headquartered in Washington, DC, American Rivers has offices across the country and more than 275,000 members, supporters, and volunteers. As the nation's leading river advocate, American Rivers seeks to ensure the quality and quantity of our nation's rivers and floodplains are protected as we rehabilitate our nation's water infrastructure.

American Rivers would like to thank the Committee for including provisions that will advance the use of natural infrastructure by the Army Corps and we applaud you for introducing a bill that maintains environmental safeguards which are critical for ensuring that water resource investments do not cause undue harm to rivers and streams. We also appreciate the inclusion of language that will provide transparency to the Army Corps' disposition studies, and look forward to working with you to incorporate improvements that will facilitate the removal of outdated infrastructure at the end of its life-cycle.

We share the Committee's interest in advancing integrated water resources management approaches within the Army Corps' long-term budgeting and work planning. We encourage the Committee to consider changes that will ensure that ecosystem restoration projects are assessed based on their ability to achieve quantitative and qualitative restoration goals.

The bill supports a holistic approach towards achieving clean and reliable water for our communities by using equitable and innovative investments in water infrastructure while maintaining protections for clean water and public health. The promotion of green stormwater infrastructure and water efficiency not only addresses our water infrastructure problems but provides many additional community benefits.

As the nation's leading advocate for protecting and restoring rivers, we'll be reviewing the entire bill to ensure that it does not cause unintended harm to rivers and the communities that depend upon them. For instance, we were disappointed to see the authorization for the Pearl River Demonstration Project, which earned a spot on the 2015 America's Most Endangered Rivers Report.

Thank you again for the hard work you and your staff have put into developing this bill. We look forward to providing you with additional feedback. If any questions arise please email or call Meghan Boian: mboian@americanrivers.org or 202-243-7037.

Sincerely,



Jim Bradley
Vice President, Policy & Government Relations



American Shore & Beach Preservation Association
Advocating for healthy coastlines

Online at www.asbpa.org

Managing Office:
5460 Beaujolais Lane
Fort Myers, FL 33919-2704
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Email: managing@asbpa.org

Washington, DC Office
553 Park Rd. NW
Washington, DC 20010
Phone (202) 827-4246
Email: Derek.Brockbank@asbpa.org

May 8, 2018

Chairman John Barrasso
Ranking Member Tom Carper
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

The American Shore and Beach Preservation Association is pleased to support America's Water Infrastructure Act of 2018 which was introduced today by the Senate Environment and Public Works Committee Chairman John Barrasso, and Ranking Member Tom Carper along with Transportation and Infrastructure Subcommittee Chair Jim Inhofe and Ranking Member Ben Cardin.

This legislation is an important step forward for the nation's water resources needs. The broad scope of issues covered in the bill and authorization of very needed projects is an important piece needed to address the nation's infrastructure management improvements.

ASBPA welcomes the new considerations the bill includes to increase the resilience of coastal communities. This legislation provides opportunity to rethink how and why we as a nation invest in critical water resources. The many damaging coastal storms of the past few years clearly remind us why taking care of our coastal defenses is a vital need. We continue to need to invest in well planned and engineered defenses against storms and use natural features to do so as often as we can. This bill takes us a needed step forward in improving our coastal defenses.

This bill represents the best of Congress in the way both parties united to address critical needs of the Nation. I speak for the many members of ASBPA in thanking you for the bipartisan work that went into creating this bill. We look forward to continuing to work with the EPW Committee as this bill moves forward.

Please call on us for anything we can do to help in your work to accomplish passing this bill. We look forward to providing science and technologically backed expertise if the Committee needs our assistance.

Very truly yours,

Anthony P. Pratt
President

May 21, 2018

Chairman John Barrasso
Committee on Environment and
Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Tom Carper
Committee on Environment and
Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Chairman James Inhofe
Subcommittee on Transportation and
Infrastructure
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Ben Cardin
Subcommittee on Transportation and
Infrastructure
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Chairmen Barrasso and Inhofe, Ranking Members Carper and Cardin, and the Members of the Senate Committee on Environment & Public Works –

The undersigned organizations represent a cross-section of the United States – conservation organizations, industry organizations, and state and local governments. We each have different priorities and legislative goals, but we all support efforts to improve the environment, economy, and resilience of our inland and coastal communities. As such, we are pleased to see the introduction of S. 2800, America's Water Infrastructure Act of 2018 (WRDA) and thank the committee for committing to a two year authorization cycle for this important water resources legislation.

As the committee moves forward with deliberations, we would like to commend Environment & Public Works Committee Chairman Barrasso and Ranking Member Carper, as well as Transportation and Infrastructure Subcommittee Chairman Inhofe and Ranking Member Cardin, for their bipartisan work on the bill. It is a testament to them that America's Water Infrastructure Act of 2018 maintains broad support across party and geographic lines.

We are especially encouraged to see increased focus on nature-based infrastructure to protect our coastlines and inland waterways. Beaches, dunes, wetlands, oyster reefs, and other natural infrastructure not only protects residents and businesses, but can provide critical protection from flooding and reduce storm damage while also providing ecological benefits, supporting local economies, and saving money.

We look forward to working with the Committee on Environment and Public Works and the United States Senate to ensure that this legislation contains policies and projects that can work for all communities across the United States. Thank you for your time and please do not hesitate to contact us with any questions.

Sincerely,



Derek Brockbank
Executive Director
American Shore & Beach Preservation Association



Bradley Watson
Acting Executive Director
Coastal States Organization



Mathew D. Chase
Executive Director
National Association of Counties



Julie Hill-Gabriel, Esq.
VP, Water Conservation
National Audubon Society



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 (202) 789.7859 fax ■ www.ASCE.org

May 8, 2018

The Honorable John Barrasso
 Chairman
 U.S. Senate Committee on Environment
 and Public Works
 410 Dirksen Senate Office Building
 Washington, D.C. 20510

The Honorable Tom Carper
 Ranking Member
 U.S. Senate Committee on Environment
 and Public Works
 456 Dirksen Senate Office Building
 Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

We are writing to express our support for many of the provisions that have been included in America's Water Infrastructure Act of 2018, WRDA 2018, including reauthorization of the National Dam Safety Program and the National Levee Safety Program.

We are also pleased with the bill's important alternative financing and delivery mechanisms, including a reauthorization of the WIFIA program for the EPA and the U.S. Army Corps of Engineers.

Additionally, we support the provision that allows the USACE to retain user fees at recreation facilities for the use of operation, maintenance, and management at the site where the fee is collected, and we urge the Committee to follow in the Administration's lead by authorizing new user fee collection and retention under the Section 5014 pilot program of WRRDA 2014.

However, as the legislation moves forward, we urge the Committee to include S. 2364, the Securing Required Funds for Water Infrastructure Now (SRF WIN) Act, a bill designed to help tackle our nation's water resources infrastructure investment deficit.

Our nation's water resources systems are crucial to our nation's economy, public safety, and the preservation and enhancement of our environmental resources. Our levees, dams, inland waterways, and ports protect hundreds of communities, support millions of American jobs, and generate trillions of dollars of economic activity. However, many of these infrastructure assets have reached the end of their design life, and the investment gap must be closed if we hope to both repair and modernize our water resources systems to be competitive in the 21st century.

The Honorable John Barrasso
The Honorable Thomas Carper
May 8, 2018
Page 2 of 2

In conclusion, ASCE believes our nation must prioritize the investment needs of our water resources systems to ensure public safety, a strong economy, and the protection of our environmental resources. We are pleased to lend our support to the America's Water Infrastructure Act of 2018, as a way to raise the grades on the nation's water resources infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristina Swallow". The signature is fluid and cursive, with the first name "Kristina" and last name "Swallow" clearly distinguishable.

Kristina L. Swallow, P.E., ENV SP, F.ASCE
2018 President



American Water Works
Association



ASSOCIATION OF
METROPOLITAN
WATER AGENCIES



NACWA
THE VOICE FOR A CLEANER WATER FUTURE



Water Environment
Federation
the water quality people

May 8, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the undersigned organizations, we wish to express our support for America's Water Infrastructure Act of 2018. This bill responsibly continues Congress' recent practice of reauthorizing the Water Resources Development Act on a predictable two-year schedule and delivers continued funding opportunities for critical water infrastructure improvements.

In particular, we strongly support the bill's reauthorization of the existing Water Infrastructure Finance and Innovation Act (WIFIA) program. Originally authorized in the 2014 WRDA bill, WIFIA is designed to complement EPA's State Revolving Fund (SRF) programs by leveraging a relatively modest federal investment into a significant source of low-interest loans for major drinking water and wastewater infrastructure projects across the country, as well as compilations of smaller projects assembled by state SRF agencies. In fact, EPA Administrator Scott Pruitt recently told a House committee that WIFIA is "an additional innovative and flexible source of low-cost capital for communities of all sizes."

EPA recently awarded its first loan under the WIFIA program, and the agency has just begun to solicit letters of interest for the next round of funding – which promises to leverage a \$55 million appropriation into \$5.5 billion worth of loans to states and communities. We appreciate that your legislation will allow the WIFIA program to build on this progress.

Our organizations also strongly appreciate provisions in the bill to strengthen the nation's drinking water and wastewater infrastructure and help respond to critical issues facing our sector. Codifying wastewater integrated planning, a proposal that has already passed the Senate with near unanimous support (S. 692), will help advance infrastructure investment through strategic, holistic planning. Further key provisions include authorizing EPA's WaterSense program, promoting wastewater recycling, strengthening the water workforce, and endorsing continued robust SRF funding.

Again, we would like to express our support for America's Water Infrastructure Act of 2018 with these critical provisions for advancing water infrastructure across the country. We urge that they remain in the final legislation, and we are willing to work with you to address any technical corrections that may be necessary. We look forward to working with the committee to advance this important legislation.

Sincerely,

American Water Works Association
Association of Metropolitan Water Agencies
National Association of Clean Water Agencies
Water Environment Federation

cc: Environment and Public Works Committee members

EDDIE STEWART, President
 DIRK ELSPERMAN, Senior Vice President
 ROBERT C. LANHAM, Vice President
 JOEL ZINGESER, Treasurer
 STEPHEN E. SANDHERR, Chief Executive Officer
 JEFFREY D. SHOAF, Chief Operating Officer



May 21, 2018

The Honorable John Barrasso
 Chairman
 U.S. Senate Committee on the
 Environment & Public Works

The Honorable Tom Carper
 Ranking Member
 U.S. Senate Committee on the
 Environment & Public Works

RE: S. 2800, America's Water Infrastructure Act of 2018

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the Associated General Contractors of America (AGC), I would like to thank you for the introduction of S. 2800, "America's Water Infrastructure Act of 2018," and continuing the biennial passage of a water resources development authorization bill. This bipartisan bill is positive step forward as Congress looks to address our nation's water infrastructure needs. As such, AGC is supportive of the legislation and encourages the committee to report it favorably.

S. 2800 authorizes essential construction projects executed by the U.S. Army Corps of Engineers (USACE) that help protect Americans from floods and natural disasters, ensure clean and safe drinking water reaches homes, enable the nation's waterborne commerce to reach harbors on the coasts and inland waterway ports, and restore environmentally sensitive areas of the country. In particular, AGC strongly supports the inclusion of the "Securing Required Funding for Water Infrastructure Now Act (SRF WIN Act) and the reauthorization of the Water Infrastructure Finance and Innovation Act (WIFIA). Additionally, AGC is pleased to see language is not included in the bill that would authorize appropriations for purchase of a USACE owned and operated hopper dredge. Further, we appreciate the further improvements to the regulatory permitting process that will help with timely project delivery.

Again, thank you for your introduction of America's Water Infrastructure Act of 2018 and your continued commitment to improving our nation's water infrastructure. We look forward to working with you to secure passage of this important legislation.

Sincerely,

Sean O'Neill
 Vice President, Congressional Relations & Infrastructure Advancement

Cc: Members of the U.S. Senate Committee on the Environment & Public Works



Coalition To Restore Coastal Louisiana

1110 River Road S., Suite 222 Baton Rouge, LA 70802 • 225.767.4181
3801 Canal Street, Suite 400, New Orleans, LA 70119 • 504.264.6812

May 21, 2018

The Honorable John Barrasso
Chairman
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Environment and Public Works Committee
465 Dirksen Senate Office Building
Washington, DC 20510

Re: America's Water Infrastructure Act of 2018

Dear Senators Barrasso and Carper:

We applaud you on your recent introduction of the America's Water Infrastructure Act of 2018. This act is a monumental bi-partisan accomplishment and it has been completed with broad input from stakeholders. Overall, we are quite happy with the act. We have a few comments that we would like to share.

We are happy to see the Act's focus on integrated water resources management. Louisiana's water resources challenges exist in a dynamic system, in the largest watershed in the country. It is absolutely necessary that the challenges of the Mississippi River Delta be understood, studied and operated as a system. All U.S. Army Corps of Engineers (USACE) projects and programs exist and interact with one another in the watershed (as well as with projects created by other federal and state partners, notably, the Louisiana Coastal Protection and Restoration Authority). We are pleased to see a request for a National Academy of Sciences study that investigates the potential efficacy of a system-wide authorization process for water resources development projects. We request some clarification on this language, however. It is our belief that the intention of the term "system-wide" on line 3, page 23 is that it would include "watershed-based," as discussed in other sections. As we understand it, system could refer to a physical system (such as the system of locks that exist on the Mississippi River) or it could refer to a system like a watershed. We believe that both terms should be included on this line to clarify the author's intent.

We are also pleased to see language in Section 1001 that allows public participation in the development of district budgets. The process proposed here would provide an open and transparent, collaborative process through which stakeholders could participate in budget development. Stakeholders can be vital and important partners to USACE in helping to reach shared goals and we believe that this process can support USACE in defending projects that are important to stakeholders. For clarification, we request that line 17 of page 17 include the term "stakeholders" in addition to "cost-share partners" as we believe that is your intent.

We are pleased to see that language was included in Section 1023 regarding natural infrastructure. However, we are concerned that the included language doesn't go far enough. The included language only addresses feasibility studies, that is, new projects. It does not address the continued operations and maintenance of existing projects. There is huge potential for USACE to

Our Coast, Our Future

www.CRCL.org

increase its use of natural infrastructure during ongoing operations and maintenance activities (for instance, in using sediment from routine channel dredging operations in a beneficial manner) or in rebuilding after storm events (for instance, removing hardened structures for beach protection and using natural infrastructure for protection purposes instead). The vast majority of USACE engineering actions occur during operations and maintenance of existing projects or with supplemental funding after disasters. This language does not compel USACE to change its existing operations in these vital areas.

USACE frequently cites the federal standard as the reason why they cannot use more sediment beneficially. We urge that this perpetual issue be addressed in future legislation. Until changes are made at a congressional level, either by allocating more money to routine dredging projects to enable them to use sediment beneficially, or by directly addressing the cost/benefit ratio of dredging in congressional language, there will simply not be meaningful progress at USACE on increasing its use of natural infrastructure.

We are happy to see the requested expediting of key Louisiana environmental restoration projects in sections 2314, 2315 and 2317, including the Louisiana Coastal Area project and the Southwest Coastal Area project. These projects would be vital additions to Louisiana's coastal ecosystem.

We are also happy to see the language in section 3111 to purchase a new hopper dredge. Increasing dredging costs hampers the ability of USACE to conduct critical dredging operations and hampers their ability to use sediment beneficially. Any actions that decrease dredging costs enables USACE to have the ability to use more sediment beneficially.

We are concerned with the addition of section 3117, which authorizes the Secretary to establish the Pearl River Basin demonstration project. This proposed project has been consistently opposed by the Louisiana Legislature, multiple Louisiana parishes, and a wide swath of the non-profit community in Louisiana. The project promises to be significantly destructive to restoration projects, industrial users of the River, and oystermen. In short, this project is opposed by a wide variety of stakeholders in both Louisiana and Mississippi. We request this provision's removal from the bill.

We congratulate you on this ambitious Act and look forward to working with you and supporting it as it moves forward.

Sincerely,



Kimberly Davis Reyher
Executive Director



Emily Vuxton
Policy Director



Protecting Water for Western Irrigated Agriculture

P.O. Box 216

Klamath Falls, Oregon 97601

www.familyfarmalliance.org

May 7, 2018

The Honorable John Barrasso, Chairman
The Honorable Tom Carper, Ranking Member
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Re: America's Water Infrastructure Act of 2018

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the Family Farm Alliance (Alliance), we write in support of the "America's Water Infrastructure Act of 2018" (AWIA). Thank you for your leadership on this important legislation. Mr. Pat Riley of Montana will represent the Family Farm Alliance at your committee hearing and provide additional perspective the AWIA provisions important to our membership.

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. We are also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions.

As you know, the AWIA, also known as the Water Resource Development Act (WRDA), is a biennial piece of legislation that is the main vehicle for authorizing water projects to be studied, planned and developed by the U.S. Army Corps of Engineers (Corps). It is also the legislative vehicle for implementing policy changes with respect to the Corps' water resource projects and programs. As such, this legislation is very important to the rural communities of the Western United States.

We appreciate that the 2018 AWIA includes specific provisions that will benefit the Upper Missouri River watershed, where Mr. Riley resides, as well as rural communities and agricultural

water users in those areas of the country located west of the 100th meridian. Some of the key provisions of AWIA 2018 that apply to the Upper Missouri River system and the West include modifications to Fontenelle Reservoir in Wyoming, flood protection on the Snake River, reauthorization of the national levee safety program, adjustment of flood control rule curves on non-Federal reservoirs, control of invasive species, and evaluation of federal agency capabilities and capacity, among others.

The AWIA 2018 also includes several sections we believe would give local interests a stronger role in flood management and provide a balanced fair means of addressing the challenges faced by rural communities with limited funds and human resources.

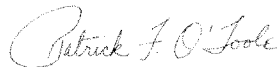
With water infrastructure in the spotlight in this Congress, the Family Farm Alliance has testified several times before Senate and House legislative and oversight committee hearings over this past year. We believe any new federal water infrastructure investments or financing tools should be made available for improvements in water conveyance, surface water storage, aquifer storage and recovery, groundwater recharge, wastewater and stormwater management, water reuse, desalination, and water use efficiency projects. Extreme hydrologic events – marked by drought on one end, and floods on the other – will require everyone in the West to adopt a new paradigm, one that truly promotes wise management of this limited and valuable resource. This new paradigm will also mean additional investment in technology, conservation and new water storage and management infrastructure in order to deal with the uncertainties that lay before us.

We believe the America's Water Infrastructure Act of 2018 prepared by your Committee shows a strong commitment to existing and future water infrastructure, recognizes the unique challenges faced by rural communities, and takes strong strides to address those challenges. The public infrastructure challenges our Nation is currently facing are daunting, and they will require innovative solutions. The infrastructure investments made by prior generations have benefited this country for over a hundred of years. Now it is this generation's responsibility to invest in our water infrastructure for future generations.

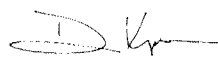
Thank you again for the opportunity to work with your committee on this important legislation. The Family Farm Alliance and our members stand ready to assist you in your further efforts.

I encourage you or your staff to contact Dan Keppen at (541)-892-6244 if you have any questions regarding this letter.

Sincerely,



Patrick O'Toole
President



Dan Keppen
Executive Director



1300 Victors Way, Suite 1350
Ann Arbor, Michigan 48108-5203
Office 734-971-9135 • glc@glc.org

EXECUTIVE DIRECTOR
Darren Nichols

BOARD OF DIRECTORS

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*Ensuring environmental and
economic prosperity for the Great
Lakes-St. Lawrence region through
communications, policy research and
development, and advocacy.*

May 18, 2018

Honorable John Barrasso
Chair, Environment and Public Works
Committee
United States Senate
Washington, D.C. 20510

Honorable Thomas R. Carper
Ranking Member, Environment and Public
Works Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing on behalf of the Great Lakes Commission (GLC) to convey support for provisions in *America's Water Infrastructure Act of 2018* that support priorities for the Great Lakes and our eight member states. We appreciate your leadership in advancing this legislation, which strengthens a number of important Great Lakes programs and addresses critical challenges to upgrade and maintain water infrastructure in our region.

The GLC strongly supports the following Great Lakes-specific provisions that respond to long-standing priorities for our member states:

- **Great Lakes Fish and Wildlife Restoration Act of 1990 (Sec. 3604):** This section increases the authorized appropriations for the Great Lakes Fish and Wildlife Act, a highly successful program through which the federal government, the Great Lakes states, and other stakeholders implement cooperative conservation, restoration and management actions for valuable fish and wildlife resources in the Great Lakes Basin.
- **Great Lakes Restoration Initiative (Sec. 3605):** This section increases the authorized appropriations for the GLRI, which enjoys strong, bipartisan support in Congress, among our region's governors, business and industry, conservation organizations, tribes and local communities. This will ensure adequate funding authorization to support continued progress in implementing our regional restoration strategy for the Great Lakes.
- **Great Lakes Coastal Resiliency study (Sec. 3606):** This section authorizes the Great Lakes Coastal Resiliency study proposed by the Army Corps of Engineers, which will coordinate a strategy and recommend actions to manage and protect the Great Lakes from threats such as lake level fluctuations, erosion, flooding, and nutrient runoff.
- **Completion of Army Corps of Engineers report for the Soo Locks (Sec. 4001):** This section calls for the expeditious completion of key decision documents, including the post-authorization change report for construction of a new Soo Lock. This is a vital priority to ensure the security and resiliency of the Great Lake maritime transportation system, which is critical for our regional and national economies.

The GLC also generally supports the water infrastructure provisions in Title V of the legislation that reauthorize and strengthen existing programs, study new approaches, and promote reforms and best practices to support states and local communities in repairing, maintaining and upgrading wastewater, drinking water and stormwater infrastructure. Nearly \$10 billion is needed annually over the next two decades for water infrastructure in the eight Great Lakes states. These provisions will support state and local efforts, increase federal investments and improve access to critical federal programs. They are consistent with the GLC's 2017 *Joint Action Plan for Clean Water Infrastructure and Services*, which recommends actions to advance a more sustainable water infrastructure system for the Great Lakes region.

The Great Lakes are a natural treasure and a vital economic asset for our eight-state region. They provide drinking water for more than 48 million people, generate more than 1.5 million jobs, and support a \$5 trillion regional economy. Strong collaboration among our states and the federal government, local communities, and industry is solving the most serious problems facing the lakes while revitalizing economies in waterfront communities.

The provisions discussed above advance our collective efforts to address our region's most pressing water-related challenges while maximizing the Great Lakes as an environmental and economic asset. If you have questions, please contact the Commission's Executive Director, Darren Nichols (734-971-9135, dnichols@glc.org).

Sincerely,

A handwritten signature in black ink, appearing to read "John Linc Stine".

John Linc Stine
Chair

cc: Members of the Senate Great Lakes delegation



Healing Our Waters-Great Lakes Coalition

May 21, 2018

The Honorable John Barrasso
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James Inhofe
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
456 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ben Cardin
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso, Subcommittee Chairman Inhofe, Ranking Member Carper, and Ranking Member Cardin:

On behalf of the Healing Our Waters-Great Lakes Coalition and our over 150-member organizations, we thank you for introducing S. 2800, the bi-partisan America's Water Infrastructure Act of 2018. We appreciate the support this committee has shown for restoring and protecting the Great Lakes and are grateful to see the Great Lakes provisions in this bill. We also appreciate the committee's attempt to stay on a regular cycle for addressing our nation's water infrastructure needs.

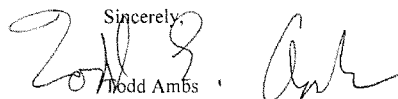
The Healing Our Waters-Great Lakes Coalition represents more than 150 non-governmental organizations in all eight Great Lakes states. We consist of environmental, conservation, outdoor recreation organizations, community groups, zoos, aquariums and museums. Our groups represent millions of people whose common goal is to restore and protect the Great Lakes.

S. 2800 includes provisions that will benefit the restoration and protection of the Great Lakes—and the communities which rely on the lakes for their drinking water, health, jobs, and quality of life. Sec. 3604 increases the resources available to the Great Lakes Fish and Wildlife Restoration Act, which helps protect and restore the region's wildlife habitat. Sec. 3605 acknowledges that while the region is making great progress under the Great Lakes Restoration Initiative, the lakes still face serious threats, which can be addressed by the increased funding provided in this section. Sec. 3606 authorizes the important Great Lakes Coastal Resiliency study to coordinate and recommend actions to manage and protect the Great Lakes coastline from changes in lake levels, erosion, flooding, agricultural and urban runoff, and aging infrastructure. Lastly, Sec. 2306 keeps attention on the Army Corps to ensure it completes the Brandon Road study and provides the region with the feasibility study it needs to move it towards constructing additional structural measures that keep Asian carp out of the Great Lakes.

The bill also focuses much-needed attention on the enormous backlog of work fixing our region's old, outdated wastewater, drinking water, and stormwater infrastructure. The Great Lakes provide drinking water for more than 30 million people in the United States. They are the foundation of our economy and our way of life. Repairing old infrastructure is a large undertaking — and expensive. A recent survey of needed infrastructure investments across the nation shows that the Great Lakes region alone requires \$179 billion over the next 20 years to repair and replace our wastewater and drinking water infrastructure. Paying for these projects often falls on communities that cannot afford it, underscoring the importance of financial support from the federal government.

S. 2800 includes provisions that address many of the problems facing Great Lakes communities. Sec. 5004 provides important technical assistance to small, medium-sized and rural communities helping them get ready for system improvements. Sec. 5005 sets aside funds to implement source water protection plans and authorizes funds for sewer overflow control grants, including stormwater management activities. Sec. 5006 applies integrated management principles for wastewater and stormwater. It also encourages nature-based infrastructure and requires new affordability criteria for determining the ability of households to pay their utility bills. Sec. 5010 focuses needed attention on investing in local workers and local small businesses to strengthen communities and build strong career pipelines for skilled and diverse workers. Lastly, Sec. 5011 states clearly that the Clean Water and Drinking Water State Revolving Funds should receive robust funding.

Thank you again for introducing the bi-partisan America's Water Infrastructure Act of 2018. Please do not hesitate to contact Chad Lord, our coalition's policy director, if you have any questions. He can be reached at (202) 454-3385 or clord@npca.org. We look forward to working with you as the bill moves forward.

Sincerely,

Todd Ambts
Coalition Director



Elizabeth Mendenhall
2018 President

Bob Goldberg
Chief Executive Officer

ADVOCACY GROUP
William E. Mallason
Chief Advocacy Officer/Senior Vice President

Jerry Giovanello
Chief Lobbyist

500 New Jersey Ave., NW
Washington, DC 20001-2020
Ph. 202-383-1194
WWW.NAR.REALTOR

May 8, 2018

The Honorable John Barrasso
Chairman
U.S. Senate Committee on
Environment and Public Works
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
U.S. Senate Committee on
Environment and Public Works
513 Hart Senate Office Building
Washington, DC 20510

Re: NAR Thanks the Committee for Holding a Hearing on America's Water Infrastructure Act of 2018.

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the 1.3 million members of the National Association of REALTORS® (NAR), thank you for holding a hearing on "America's Water Infrastructure Act of 2018."

This legislation would ensure the viability of many programs and projects related to water infrastructure, including navigation, water resources management, recreation, and infrastructure and environmental stewardship. Moving this bill forward would be an important first step toward providing critical economic and environmental benefits to the nation.

Projects funded by this legislation effect real estate and economic development and help protect communities from the impacts of natural disasters. Homeowners need clean and drinkable water, neighborhoods depend on the construction and maintenance of water management structures, the private sector depends on clear waterways and ports to receive and transport goods, and a healthy environment depends on the nation's ability to clean and treat wastewater. All of these critical projects are authorized and funded by this important legislation.

NAR thanks the Committee for promptly discussing this legislation and urges its swift passage through the legislative process.

Sincerely,

Elizabeth J. Mendenhall

Elizabeth Mendenhall
2018 President, National Association of REALTORS®

cc: U.S. Senate Committee on Environment and Public Works



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NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

May 14, 2018

Deb Peters
Senator — District 9
South Dakota
President, NCSL

Chuck Truesdell
Fiscal Analyst
Office of Budget Review
Legislative Research Commission
Kentucky
Staff Chair, NCSL

William T. Pound
Executive Director

The Honorable John Barrasso
 Chairman
 Committee on Environment and Public
 Works
 United States Senate
 307 Dirksen Senate Office Building
 Washington, D.C. 20510

The Honorable Thomas Carper
 Ranking Member
 Committee on Environment and Public
 Works
 United States Senate
 513 Hart Senate Office Building
 Washington, D.C. 20510

The Honorable James Inhofe
 Chairman
 Subcommittee on Transportation &
 Infrastructure
 205 Russell Senate Office Building
 Washington D.C. 20510

The Honorable Benjamin Cardin
 Ranking Member
 Subcommittee on Transportation &
 Infrastructure
 509 Hart Senate Office Building
 Washington D.C. 20510

Dear Chairman Barrasso and Inhofe, and Ranking Members Carper and Cardin:

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories, and commonwealths, we commend the bipartisan efforts of the U.S. Senate Environment and Public Works Committee for unveiling America's Water Infrastructure Act of 2018, which includes the authorization of the Water Resources Development Act (WRDA). We recognize the substantial benefits provided to the nation by our water infrastructure and hope to work together to ensure Congress enacts legislation in 2018.

WRDA is critical in helping to protect, maintain and further develop our water infrastructure systems including, ports, waterways, and clean and safe drinking water. It provides states with added stability and certainty to meet water infrastructure needs while also supporting the safety, environmental protection and economic development of our communities. Given the role WRDA plays in state and local communities, we were pleased to see that the committee included provisions that will strengthen collaboration between the Corps and its intergovernmental partners. This will improve transparency, create a greater consensus and increase effectiveness of the Corps overall. We are also encouraged by the bill's reauthorization of the Water Infrastructure Finance and Innovation Act for fiscal years 2020 – 2021, as it provides vital credit assistance to state and local governments for drinking water, wastewater and other water

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 Phone 303.364.7700 Fax 303.364.7800

Washington
 444 North Capitol Street, N.W. Suite 515
 Washington, D.C. 20001
 Phone 202.624.5400 Fax 202.737.1069

Website www.ncsl.org
 Email info@ncsl.org

May 10, 2018
p. 2

resource projects. Additionally, we are pleased with the expanded authorized activities under the Safe Drinking Water Act State Revolving Fund (SRF), and Clean Water SRF provisions. States should be ensured maximum flexibility in deciding how existing and enhanced funds should be used to address their increasing water infrastructure needs.

However, we are concerned that the bill does not address the Harbor Maintenance Trust Fund (HMTF), a critical tool to help address our nation's ports and harbor infrastructure. The accumulation of harbor tax receipts at the federal level is not only a break in faith from the purpose of the Harbor Maintenance Tax (HMT), but also results in the imposition of a competitive burden without providing needed improvements to achieve effectiveness to offset added taxes. While an estimated \$1.7 billion in annual HMT revenue is currently being collected, annual appropriations have been significantly less than annual collections. We strongly oppose this accumulation of unspent revenue, and urge Congress to make mandatory full use of the HMTF for its original intent, ensuring that our nation's ports and harbors do not continue to fall into disrepair.

We look forward to working with you to ensure that the safety and modernization of our nation's water infrastructure needs remain a top national priority. Ensuring biennial authorization of WRDA is vital, and we strongly urge Congress to approve bipartisan legislation in 2018 that makes mandatory full use of the HMTF for original intent. If you have any questions please don't hesitate to contact NCSL Staff Kristen Hildreth, kristen.hildreth@ncsl.org, or Ben Husch, ben.husch@ncsl.org.

Sincerely,



Representative Curt McCormack
Vermont House of Representatives
Co-Chair, Natural Resources and
Infrastructure Committee, NCSL



Representative Ed Orcutt
Washington House of Representatives
Co-Chair, Natural Resources and
Infrastructure Committee, NCSL



May 8, 2018

The Honorable John Barrasso
Chairman
Committee on Senate Environment & Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Senate Environment & Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James Inhofe
Chairman
Subcommittee on Transportation & Infrastructure
205 Russell Senate Office Building
Washington, DC 20510

The Honorable Benjamin Cardin
Ranking Member
Subcommittee on Transportation & Infrastructure
509 Hart Senate Office Building
Washington, DC 20510

Dear Chairmen Barrasso and Inhofe and Ranking Members Carper and Cardin,

On behalf of the nation's mayors, cities, and counties, we applaud the bipartisan efforts of the U.S. Senate Environment and Public Works Committee for introducing America's Water Infrastructure Act of 2018. This bill is a positive step to ensure Congress continues the two-year authorization cycle for the Water Resources Development Act (WRDA) and we urge Congress to enact a bill by the end of the year.

The U.S. Army Corps of Engineers (Army Corps) projects authorized in WRDA drive investment in navigation, flood protection and ecosystem restoration in communities. Local governments own and manage much of this infrastructure, including ports and harbors, inland waterways, levees, and dams that protect public health and safety and our natural resources. WRDA is critical to helping our communities build, maintain, and improve this critical infrastructure, while growing our national and local economies.

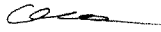
Beyond these traditional Army Corps projects, we would thank the committee for including provisions that will help communities improve our nation's drinking water and wastewater infrastructure and improve stormwater management. Provisions such as codification of the U.S. Environmental Protection Agency's Integrated Planning framework will help local governments and water utilities meet their Clean Water Act requirements in a more holistic manner. Additionally, we thank the committee for their continued commitment for water and wastewater financing through the state revolving fund program and reauthorization of the Army Corps Water Infrastructure Finance and Innovation Act. Furthermore, provisions to provide workforce training and development in the water sector will ensure that our communities have a skilled workforce to meet their needs. Finally, provisions strengthening the intergovernmental collaboration process between the Army Corps and its state and local government partners will improve transparency and efficiency.

We look forward to working with you to ensure that the safety and modernization of our nation's water infrastructure needs remain a top national priority. If you have any questions, please don't hesitate to contact us: Judy Sheahan (USCM) at 202-861-6775 or jsheahan@usmayors.org; Carolyn Berndt (NLC) at 202-626-3101 or Berndt@nlc.org; Julie Ufner (NACo) at 202-942-4269 or jufner@naco.org.

Sincerely,



Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors



Clarence E. Anthony
CEO and Executive Director
National League of Cities



Matthew D. Chase
Executive Director
National Association of Counties

cc: Members of the U.S. Senate Environment and Public Works Committee



NATIONAL
RURAL WATER
ASSOCIATION

America's Largest Utility Membership

Immediate Release

May 8, 2018

Mike Keegan (Washington, DC)

202/294-4785 (keegan@ruralwater.org)

Small and Rural Communities Support Barrasso's Consensus Water Bill

The National Rural Water Association (NRWA), with membership of over 30,000 small and rural communities, is the country's largest community-based water utility association. NRWA is grateful for the very helpful and beneficial water-related provisions in "American's Water Infrastructure Act of 2018," and urge its passage and enactment. The bill was introduced in the Senate on May 8, 2018 by Senate Environment and Public Works Committee Chairman, John Barrasso of Wyoming with support of the Committee's Ranking Senator, Tom Carper of Delaware, Senator Inhofe of Oklahoma and Senator Cardin of Maryland.

Mark Pepper, Executive Director of Wyoming Association of Rural Water Systems stated, *"Thank you, Senator Boozman for consistently listening to and helping rural and small communities and sponsoring the 'American's Water Infrastructure Act of 2018.' Rural America is very appreciative for the help. Small and rural communities have more difficulty affording public wastewater service due to lack of population density and lack of economies of scale. Likewise, we have a much more challenging time complying with our federal Clean Water Act permits and operating complex wastewater treatment systems due to the lack of technical resources in small communities. This bill provides a solution to the lack of technical resources in small communities by providing technical experts, we call them Circuit Riders, in each state to be shared by all small and rural communities who are in need of assistance. A Circuit Rider is a person with expertise in wastewater treatment operation, maintenance, governance and compliance who constantly travels the state to be available on-site to any community in need of assistance."*

Dennis Sternberg, Executive Director of Arkansas Rural Water Association (who will testify in the Senate on May 9, 2018 in favor of the bill) said, *"We are very appreciative that the legislation includes numerous substantive and necessary Title Five drinking water and clean water provisions that make the 'American's Water Infrastructure Act of 2018,' a comprehensive water legislative package. The bill includes Senator Wicker and Heitkamp's 'Small and Rural Community Clean Water Technical Assistance Act' which would establish a federal Clean Water Act technical assistance program, administered to assist small public wastewater treatment systems in complying with EPA regulations. And the bill authorizes states to use up to two percent of their state Clean Water programs to fund additional technical assistance initiatives."*

The National Rural Water Association is the country's largest public drinking water and sanitation supply organization with over 30,000 members. Safe drinking water and sanitation are generally recognized as the most essential public health, public welfare, and civic necessities.

The Chairman's legislation addresses priority small and rural community water issues with the following provisions:

Section 5004. Technical Assistance for Treatment Works: Authorizes two new technical assistance provisions under the Clean Water Act. First it establishes a new initiative to assist small public wastewater treatment systems (those serving not more than 10,000 people) in complying with Clean Water regulations and allows states to use up to two percent of their state Clean Water program to fund an additional technical assistance initiative in their state.

Section 5010. Water Infrastructure and Workforce Investment: New federal attention and emphasized mission for water workforce development. It takes more than 380,000 highly skilled water and wastewater personnel to ensure the public supply of safe drinking water and to protect our lakes, streams and groundwater. A college degree is of value but is not required. This career does require a great deal of training and experience. The apprenticeship model would be a welcome enterprise for the water worker universe.

Section 5011. Sense of Congress Relating to State Revolving Funds (SRFs): Supports funding for the SRFs. They are essential in funding water infrastructure and funding projects to comply with federal rules and standards – especially in small and rural communities that may have more difficulty affording public water service due to lack of population density and corresponding lack of economies of scale.

Section 5012. GAO Study on WIFIA Projects in Small communities, Rural Communities, Disadvantaged Communities, and Tribal Communities: A helpful GAO review of the federal government's Water Infrastructure Finance and Innovation Act. Small and rural communities support Senators Boozman and Booker's "Securing Required Funding (SRF) for Water Infrastructure Now (WIN) Act" which improves WIFIA by authorizing an opportunity for states to direct some portion of WIFIA funding to be used by each of the states for their predetermined priority projects based on need, merit, and state interests.

Section 5006. Water Infrastructure Flexibility: The current affordability analysis used by EPA to make compliance reasonable on ratepayers – especially in economically disadvantaged populations. Under the Safe Drinking Water Act, EPA adopted a policy that families can afford annual water rates of 2.5% of median household income (MHI). EPA's current policy does not consider the important differences between median-income households and low-income households that are unable to finance and pay costs of this magnitude. MHI masks the financial hardship that low-income communities and low-income households have in meeting many of the existing regulations.

Small and rural communities have an important public responsibility of supplying the public with safe drinking water and sanitation every second of every day - and complying with all applicable federal Safe Drinking Water Act and Clean Water Act regulations. Most U.S. water utilities are small; over 91 percent of the country's approximately 50,000 drinking water systems serve communities with fewer than 10,000 people and approximately 80 percent of the country's 14,500 plus wastewater systems serve fewer than 10,000 people.



May 9, 2018

The Honorable John Barrasso
U.S. Senate Committee on
Environment and Public Works
Washington, DC 20510

The Honorable Tom Carper
U.S. Senate Committee on
Environment and Public Works
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

On behalf of the Rural Community Assistance Partnership (RCAP), we want to thank you for your bipartisan leadership in introducing America's Water Infrastructure Act of 2018.

RCAP is a national network of non-profit organizations working to ensure that rural and small communities throughout the country have access to safe drinking water and sanitary wastewater disposal. The RCAP Network provides a variety of programs to accomplish this goal, such as direct training and on the ground technical assistance.

RCAP believes this legislation is an important, critical step towards providing a much-needed clean water technical assistance program for small communities. This program would allow small communities, who often lack basic technical and administrative services, to receive in-person, hands-on training to comply with federal/state water regulations and assistance in accessing federal funding programs. We look forward to working with you to advance this legislation that ensures that rural communities and small water utility systems have access to the resources they need to comply with federal water regulations.

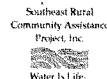
Additionally, we support provisions in the bill related to onsite wastewater recycling, barriers for small systems and disadvantaged communities accessing the WIFIA Program, and workforce investment in water utility careers.

In closing, we appreciate your ongoing bipartisan commitment to addressing rural America's substantial water infrastructure needs. This legislation is integral to achieving long-term sustainability of rural communities throughout the United States, while ensuring that all Americans have access to clean, safe, and affordable drinking water. We stand ready to work with you and your Senate colleagues to ensure this bipartisan legislation is passed.

Sincerely,

Nathan Ohle
Executive Director
Rural Community Assistance Partnership (RCAP)

COMMUNITIES
Unlimited



Senator BARRASSO. I just want to thank all of the members, and a special thanks to the staff, who have worked extremely hard to make sure that we could find common ground, and we have done a wonderful job in doing that, to address the needs of this Nation, so I ask unanimous consent that the staff have the authority to make technical and conforming changes to each of the matters approved today.

With that, our business meeting is concluded.

[Whereupon, at 10:45 a.m. the Committee was adjourned.]

[Additional material submitted for the record follows:]



Matt Carr
Executive Director
125 St. Paul Street
P.O. Box 369
Preston, MN 55965-0369
(202)579-0557
mcarr@algaebiomass.org

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, DC 20510

10 April 2018

Dear Chairman Barrasso and Ranking Member Carper,

On behalf of the men and women of the U.S. algae industry, I write to express our strong support for S. 2602, the *Utilizing Significant Emissions with Innovative Technologies* (USE IT) Act.

The Algae Biomass Organization (ABO) is the non-profit trade association for the algae industry. Its membership is comprised of individuals, businesses and other research institutions across the algae value chain, including leading developers of algae-based carbon capture and use (CCU) technologies.

The USE IT Act supports the research and regulatory actions necessary to speed the development and deployment of emerging CCU technologies. In combination with the reauthorization and enhancement of the section 45Q CCU tax credit enacted in the *Bipartisan Budget Act*, the USE IT Act will help drive investment in algae and other technologies that will transform carbon emissions from environmental challenge into economic opportunity.

This bill is a great example of how all sides can come together in support of smart policy that makes protecting our planet good for business.

We urge the Committee to move without delay to approve S. 2602 and to work for its enactment into law.

Sincerely,

Matt Carr
Executive Director



Alan R. Hodnik
Chairman, President and
Chief Executive Officer

April 9, 2018

The Honorable John Barrasso
United States Senate
Washington, DC 20510

The Honorable Sheldon Whitehouse
United States Senate
Washington, DC, 20510

Dear Senators Barrasso and Whitehouse:

ALLETE wishes to express its support for S. 2602, the USE IT (Utilizing Significant Emissions with Innovative Technologies) Act.

ALLETE is an energy company headquartered in Duluth, Minnesota. In addition to its electric utilities, Minnesota Power and Superior Water, Light and Power of Wisconsin, ALLETE owns ALLETE Clean Energy, based in Duluth; BNI Energy in Bismarck, North Dakota; U.S. Water Services in St. Michael, Minnesota; and has an 8 percent equity interest in the American Transmission Company.

The USE IT Act creates an innovative framework to encourage research in carbon capture, utilization and sequestration, including the use of "technology prizes" to spur development of cutting-edge technologies.

In addition, the bill addresses some of the challenges to siting and building the infrastructure for systems that capture, utilize or sequester carbon dioxide. S.2602 directs the Chair of the Council on Environmental Quality to prepare guidance (in cooperation with the Environmental Protection Agency and the Departments of Energy and Interior) to help provide clarity over the myriad federal and state reviews necessary to develop and deploy carbon capture, utilization and sequestration projects. Importantly, the bill creates two task forces that include state, local and tribal representation to help identify common approaches to facilitate reviews, find common models that can be

Senators Barrasso and Whitehouse
April 9, 2018
Page 2

used for state level reviews, provide input to federal agencies on their research priorities, and suggest improvements to the federal permitting process.

As our electric energy system changes, it is important to acknowledge the role that large, dependable and dispatchable sources of electric generation play in assuring electric reliability and grid resiliency. These large electric generators, along with "fast-ramp" types of generation resources, are important and needed in order to seamlessly integrate intermittent energy resources such as wind and solar power into our electric grid. S.2602 can help play a role in assuring that fossil-fired electric generation can both keep providing these essential reliability services to the electric grid while deploying the latest carbon capture, utilization and sequestration technologies.

ALLETE thanks you for your efforts in moving this important piece of legislation forward.

Sincerely,
ALLETE, Inc.

A handwritten signature in black ink, appearing to read "A. Hodnik", with a stylized flourish at the end.

Alan R. Hodnik
Chairman, President & CEO

/cfl



May 15, 2018

Senator John Barrasso
Chairman, Senate EPW Committee
307 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member, Senate EPW Committee
513 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

I am writing on behalf of the American Conservation Coalition, a 501(c)(4) organization working on finding pragmatic solutions to environmental issues, to show support for the *Utilizing Significant Emissions with Innovative Technologies (USE IT) Act*. As an organization that supports innovation and sensible policy solutions, we fully support the passage of this bill.

The USE IT Act supports innovation and development in the private sector. It is legislation that prioritizes research and development that will lead to cleaner air and offers a way to utilize excess CO₂. Most importantly, these benefits are achieved without additional regulations that would hinder the economic performance of the energy sector. Carbon capture is a common sense solution that will deliver real results. It is estimated that this process could capture 14% of the carbon in the air by 2050¹.

The act also streamlines the permitting process for such projects, replacing the outdated and burdensome system currently in place. Some barriers to entry for these projects include inefficient processes and the prolonged time frame required to obtain necessary permits.

We have fiscal questions on this bill—questions that a full CBO will allay. We hope that private partnerships and other measures will help to minimize this bill's impact on the current deficit.

The USE IT Act is a pragmatic, market based solution to carbon capture that encourages private sector investment in our energy future. The ACC recognizes the benefits that this bill offers to consumers, private investors, and our environment. Because of the USE IT Act's market-driven solutions, on behalf of the ACC, I ask that you take action and pass this bill.

Respectfully,

A handwritten signature in dark ink, which appears to read "Nicholas Lindquist".

Nicholas H. Lindquist
National Policy Director
American Conservation Coalition

¹ Center for Energy and Climate Solutions, *Carbon Capture*, www.c2es.org/content/carbon-capture/.



Center for Negative Carbon Emissions
School of Sustainable Engineering
and the Built Environment

Klaus S. Lackner
PO Box 873005
Tempe, AZ 85287-3005

Klaus.Lackner@asu.edu
(480) 727-2499
<http://engineering.asu.edu>

April 8, 2018

The Honorable John Barrasso
Chairman, Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member, Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Ref.: Committee deliberations on the *USE IT* Act

Dear Chairman Barrasso and Ranking Member Carper,

I support S. 2602, the *USE IT* Act, and urge your committee to give it due consideration and move it swiftly to the Senate floor. It is an excellent approach to give Environmental Protection Agency an important stake in developing direct air capture technology. Direct air capture bridges the gap between energy and environmental technologies. Carbon dioxide is the waste from the combustion of fossil fuels. It pollutes the air. A mandate to develop technology options for cleaning up carbon dioxide streams that escape (and will continue to escape) to the atmosphere will empower EPA to better manage this pollutant. EPA needs to assure the availability of affordable tools for recovering carbon dioxide from the environment. Direct capture of carbon dioxide from ambient air is the most straightforward approach. It can recover all the carbon for which emission avoidance is impossible, too expensive, or simply ignored. Direct air capture in combination with carbon dioxide storage or reuse can assure that the carbon budget is fully balanced. Because direct air capture can be applied to any emission, it will cap the price of carbon. The more direct air capture is researched, developed and practiced, the cheaper it will be.

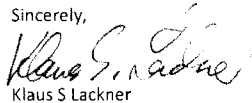
Direct air capture technology is innovative and still new, but it has been demonstrated to work. It works in the laboratory. Outdoor prototypes have been made to work by several groups, including by us at ASU. It also works in small-scale commercial designs, as demonstrated in Europe by Climeworks. However, just like the first airplanes were not yet ready for global passenger travel, air captured must be readied for large-scale deployment.

We have plenty of ideas how to reduce energy consumption and costs but need the resources to follow through. Aviation enabled by the invention of the Wright Brothers, became an industry only when Guggenheim invested into commercialization and research that blossomed into the engineering discipline of aeronautics. Similarly, EPA could advance air capture to realize cost reductions like those enjoyed by renewable energy. Wind energy costs have come down fifty-fold over the last sixty years and photovoltaic energy costs dropped hundred-fold. If direct air capture could reduce its cost only ten-fold, its implementation could be fully paid for by the 45q tax credit.

I very much support the *USE IT* Act in creating an EPA program that helps develop direct air capture technology. An EPA advisory board on this technology would give it the visibility it deserves. I envision Direct Air Capture Institutes that provide the scientific underpinning and systems engineering for this new technology as well as industry – and venture – based R&D that in cooperation with EPA would create economically viable air capture technology.

I appreciate the opportunity to comment on the *USE IT* Act and welcome any questions you may have.

Sincerely,



Klaus S Lackner

Professor and Director of the Center for Negative Carbon Emissions

Cc: Senator Shelley Moore Capito
Senator Sheldon Whitehouse
Senator Heidi Heitkamp



March 22, 2018

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
U.S. Senate
530 Hart Senate Office Building
Washington, DC 20510

Dear Senators Barrasso and Whitehouse:

On behalf of Basin Electric Power Cooperative, I write in support of the "Utilizing Significant Emissions with Innovative Technologies" (USEIT) Act. Thank you for your leadership in authoring this legislation.

Basin Electric is a generation and transmission cooperative based in Bismarck, North Dakota, serving approximately three million consumers through 141 rural electric cooperatives across nine states. Basin Electric has long sought solutions to the carbon question, and continues to explore options to allow utilization of affordable and abundant fossil fuels for electric power generation in a carbon constrained future. The Great Plains Synfuels Plant, operated by Basin Electric subsidiary Dakota Gasification Company, is currently the largest carbon sequestration project in the world. The facility has captured and transported nearly 35 million tons of carbon dioxide for sequestration since 2000.

More recently, Basin Electric has expanded its interest in developing carbon capture solutions through its partnership with the Integrated Test Center, located at Basin Electric's Dry Fork Station outside of Gillette, Wyoming. Using flue gas provided by the Dry Fork Station, this test facility will provide space for researchers to explore new and innovative solutions to turn carbon dioxide into a marketable commodity. The State of Wyoming invested in design and construction of this facility, and will oversee its operation. Basin Electric supports this legislation because it will help leverage the resources of states, industry, universities, and the Federal Government, and build on these efforts to develop cost-effective carbon capture utilization and storage (CCUS).

In addition to technical and financial assistance to support research, your legislation would establish interagency guidance and a task force to facilitate CCUS infrastructure. Basin Electric supports these provisions as well given the new infrastructure that will need to be developed on a considerable scale to deploy CCUS technology.

The USEIT Act is important legislation to advance the development of CCUS technology. Basin Electric again thanks you for your efforts to support commonsense solutions for electric power generation. We hope that this legislation can receive prompt consideration by the Senate.

Sincerely,

Paul M. Sukut
CEO & General Manager

Dr. Gary C. Young, Ph.D., P.E.
President



Bio-Thermal-Energy, Inc.

Bio-Thermal-Energy, Inc.
 7707 Marquette Drive, N.E.
 Cedar Rapids, IA 52402-6967
 319-373-5191, FAX 319-373-5744
 Cell ph. 319-310-6866
gycoinc@aol.com
www.b-t-einc.com

April 9, 2018

The Honorable John Barrasso
 Chairman, Committee on Environment and Public Works
 410 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Tom Carper
 Ranking Member, Committee on Environment and Public Works
 456 Dirksen Senate Office Building
 Washington, DC 20510

Ref.: Committee deliberations on the USE IT Act

Dear Chairman Barrasso and Ranking Member Carper,

I support this legislation and give it due consideration. Carbon dioxide (CO₂) is the waste from the combustion of fossil fuels and is a valuable feedstock for the conversion to fuels such as Ethanol, Methanol, Gasoline, Diesel, and/or Jet Fuel.

CASE-I. APPLICATION OF CO₂ TO THE PRODUCTION OF ETHANOL.

Subject: Application of B-T-E's Patented SMR+® CO₂ Conversion Technology to Corn-Ethanol Plant; Increasing Ethanol Production from Corn-Ethanol Plant by converting byproduct CO₂ Emissions from the Corn-Ethanol plant to Ethanol; **[Grant for Feasibility Study]**

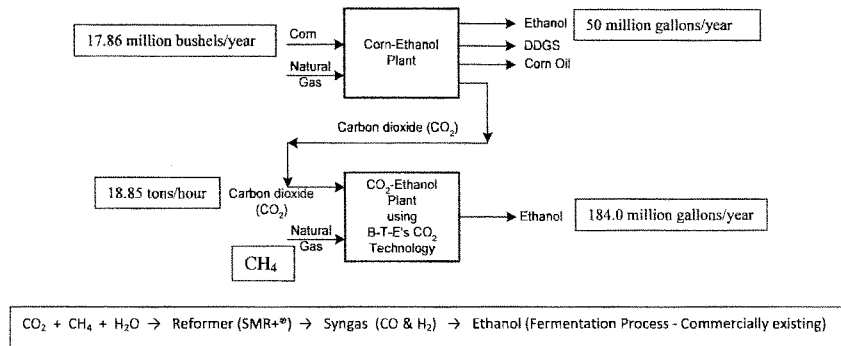
Executive Summary: B-T-E's patented SMR+® technology increases Ethanol production from a Corn-Ethanol plant by converting byproduct CO₂ emissions into additional Ethanol. This patented technology applies to site specific location by building or utilizing an existing Corn-Ethanol plant in an area and by constructing a CO₂-Ethanol plant adjacent the Corn-Ethanol plant. **This new technology will financially benefit the site specific location and create over 100+ jobs.** A facility with a combination of a Corn-Ethanol plant and a CO₂-Ethanol plant should be considered by conducting a feasibility study to determine site specific economics for a site specific location. **[Grant for Feasibility Study for a Site Specific Location.]**

B-T-E's patented CO₂ conversion technology has seven (7) U.S. patents, one (1) Canadian patent, one (1) Japanese patent, one (1) Indian patent, one (1) Brazilian patent, twelve (12) European patents, and other patents pending. **B-T-E owns and holds the rights to the Patented B-T-E CO₂ Conversion Technology.**

A patented SMR+® technology increases Ethanol production from a Corn-Ethanol plant by converting byproduct CO₂ emissions into additional Ethanol. As illustrated below, CO₂ emissions from a Corn-Ethanol Plant are converted into additional Ethanol in the CO₂-Ethanol Plant using B-T-E's patented CO₂ conversion technology. The combined plant operations would make it the most efficient Ethanol facility in the United States.

Description and Preliminary Economics of Corn-Ethanol Plant & CO₂-Ethanol Plant Facility:

1. An illustration of a Corn-Ethanol & CO₂-Ethanol Facility is shown below:



2. Preliminary Economics are shown by considering the additional cash revenue to the bottom line of an Ethanol Facility using B-T-E's SMR+® patented technology. Case below will be presented for the Ethanol Facility and will use the CO₂ emissions from a 50 MM GPY Corn-Ethanol Plant. Carbon dioxide (CO₂) emissions from the 50 MM GPY Corn-Ethanol plant are 18.85 tons CO₂/hour.

Case: Economics of a CO₂-Ethanol Plant, B-T-E's SMR+® Catalytic CO₂-Ethanol Process:
 Production cost includes CAPEX (ISBL & OSBL) and OPEX (includes Labor & Maintenance). **Natural gas at \$2.733/MM Btu**, and **Electricity at \$0.0693/kWh**. Capital considered at 6% for 20 years. A Greenfield plant was considered with the OSBL/ISBL at 0.50 ratio.

CO₂-Ethanol Plant: 184.0 MM GPY (B-T-E's SMR+® Catalytic CO₂-Ethanol Process);
Production Cost = \$0.490/gallon Ethanol produced
(30.7 MW of Utility Power, Net Export to the GRID.)

SMR+® CO₂-Ethanol Process: CO₂ + CH₄ + H₂O to Reformer (Syngas) to Fermentation (Ethanol)

Note: CO₂ + CH₄ + H₂O to Syngas uses B-T-E's patented SMR+® Catalytic CO₂ Conversion Technology

Revenue: (Selling Price = \$1.4600/gallon Ethanol)
 184.0 MM GPY x \$1.4600/gallon Ethanol selling price = \$268.6 MM/yr
 Revenue = \$268.6 MM/year

Cost of Production: (Production Cost = \$0.490/gallon Ethanol)
 184.0 MM GPY x \$0.490/gallon = \$90.16 MM/yr
 Cost of Production: \$90.16 MM/year

Net Revenue = (\$268.6 - \$90.2 MM/yr) = \$178.4 MM/year

TIC = \$541 MM; Total Installed Cost (TIC), (Greenfield Plant)
Payout = 3.0 years

From the analysis, the CO₂-Ethanol plant generates 30.7 MW of Utility Power, Net Export to the GRID.

NOTE: "NO SUBSIDIES" WERE USED IN THE ABOVE ECONOMIC EVALUATIONS.

RIN's were "NOT" considered in the economic evaluation in this correspondence but "for the record only": 2018 year RINs D6 (Corn Ethanol) \$0.450/gallon and 2018 year RINs D5 ("Other" Adv. Bio.) \$0.640/gallon; Chicago Board of Trade, 3/29/2018.

3. Economics of a Corn-Ethanol Plant & CO₂-Ethanol Plant Facility and Considering RINs

Using RINs, a Corn-Ethanol Plant and CO₂-Ethanol-Ethanol Plant Facility becomes more profitable and capital investment can be repaid in fewer years. NOTE, the Corn-Ethanol plant & CO₂-Ethanol plant Facility is profitable even if RINs are "no longer" available. Thus, the combined two plants can be profitable without RINs but a stand-alone Corn-Ethanol plant may not be profitable in the future.

In addition, RIN's D6(Corn Ethanol) would likely be obtained for the Corn-Ethanol Plant and RIN's D5("Other" Adv. Bo.) would likely be obtained for the CO₂-Ethanol Plant. Under these conditions for just a couple of years, the Ethanol Facility becomes a "CASH COW."

4. At this time a likely approach would consist of:

- a. First, have a study (feasibility study) done by a large independent engineering firm to assess the technical and economic feasibility for a Corn-Ethanol Plant & CO₂-Ethanol Plant Facility using B-T-E's New Patented CO₂ Conversion Technology. Such a feasibility study would be done by B-T-E, Inc. and an independent engineering firm. Likely, such a feasibility study could be done with a grant from the Federal Government.

Currently, estimated cost for the feasibility study would be less than \$350,000.

- b. Second and based upon the feasibility study results from above, a project would be initiated to construct a Pilot Plant to verify and optimize the new technology from CO₂-Ethanol production.

Then, investors would participate in the construction, completion, and operation of the Corn-Ethanol Plant & CO₂-Ethanol Plant Facility.

Likely, the B-T-E's CO₂-Ethanol Process could be pilot plant tested using a slip stream of Carbon dioxide (CO₂) from one of an existing Corn-Ethanol plants at that location. This approach and any other considerations would be determined in the feasibility study. This pilot plant would prove out the process from CO₂ feedstock to Ethanol production.

Note, B-T-E's CO₂ Conversion Technology to SYNGAS has already been pilot plant tested (experimentally verified). A pilot plant operation from CO₂ feedstock to SYNGAS to Ethanol production is logical to test out the entire process from beginning to end. The feasibility study will provide valuable information for making that decision.

CASE-II. APPLICATION OF CO₂ TO THE PRODUCTION OF GASOLINE:

The CO₂ Opportunity & Patented SMR+® Catalytic Technology: Coal-Fired Power Plant Emission Source to Gasoline, Diesel, Jet Fuel, and/or Hydrogen

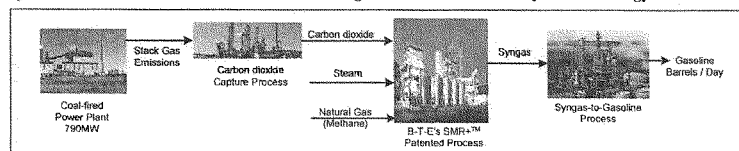
An economical commercial process is needed to provide an incentive for the utility industries to engender win-win support for Governmental regulations on Carbon dioxide (CO₂) emissions. Current approach to mitigating CO₂ emissions is carbon capture and sequestration (CCS) which involves CO₂ capture followed by CO₂ sequestration involving costly CO₂ compression, transportation, underground storage and/or used for Crude Oil recovery from reservoirs.

Recently, an alternative proprietary catalytic process has been developed for mitigating CO₂ emissions which solidifies the aims of both parties, i.e., industry and government. The recent alternative “catalytic” process by B-T-E, Inc. was developed for mitigating CO₂ emissions from industrial plants by conversion to fuels and is in addition to the previously published “non-catalytic” B-T-E process, [Ref. 11]. The catalytic process converts CO₂ into Syngas (CO & H₂) with B-T-E’s patented catalytic process technology and further conversion to fuels such as Gasoline, Diesel, Jet Fuel, Hydrogen, Methanol, and/or Ethanol with established mature technologies, [Refs. 1,2,3,4,8]. The patented technology for the conversion of CO₂ to Syngas was developed by Bio-Thermal-Energy, Inc. (B-T-E, Inc.) and has seven (7) U.S. patents, one (1) Japanese patent, European Patent (EP), and other patents pending, [Ref. 5]. B-T-E’s proprietary catalytic technology is referred to as the patented SMR+® process.

The Process

Figure 1 provides a pictorial representation of the new catalytic technology as used for the conversion of CO₂ emissions from a representative coal-fired power plant (790 MW) to gasoline, with an estimated production of 137,200 barrels/day.

Fig. 1 Carbon dioxide Conversion to Gasoline using B-T-E’s SMR+™ “catalytic” Technology



The over-all process, from CO₂ to fuels (using B-T-E’s technology and a comparable coal-fired power plant) is comprised of these three steps:

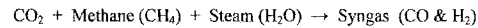
Step 1 – Capturing Emissions

Coal-fired stack gas emissions are sent to a carbon dioxide capture plant to remove CO₂ from the stack gas. The stack gas is comprised mainly of Nitrogen (about 70% vol.), water, CO₂ (about 20%), and impurities of SO₂, NO_x, and mercury. CO₂ capture system can recover up to about 90% of the CO₂ from the stack gas such as by Shell Oil Company CO₂ capture system.

Step 2 – Conversion to Syngas

CO₂ is then converted to Syngas (mostly CO & H₂) with B-T-E’s proprietary technology in a CO₂-to-Syngas process plant. Note, B-T-E’s novel technology has been proven experimentally on a gasification pilot plant with a capacity of 12.5 TPD (tons per day). Pilot plant tests have experimentally verified a reduction of CO₂ of about 70 percent, with significant improvements anticipated with further optimization.

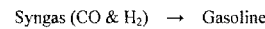
This second step involves B-T-E's patented SMR+[®] catalytic technology. Carbon dioxide (CO₂), natural gas (methane, CH₄), and steam are fed to a Reformer to produce Syngas as illustrated below:



Note, this step uses the typical Steam-Methane Reformer process but B-T-E's SMR+[®] Catalytic process utilizes an independent external supply of Carbon dioxide (CO₂), U.S. 9,212,059.

Step 3 – Conversion to Gasoline

Syngas is then fed to a syngas-to-gasoline plant for the conversion of syngas to gasoline, such as by using ExxonMobil's GTL (gas to liquids) process, as illustrated:



The Economics

With B-T-E's recently patented SMR+[®] catalytic process coupled with CO₂ Capture process and GTL process to Gasoline, the over-all process to convert CO₂ emissions from a coal-fired power plant into Gasoline becomes:

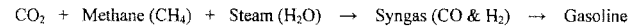
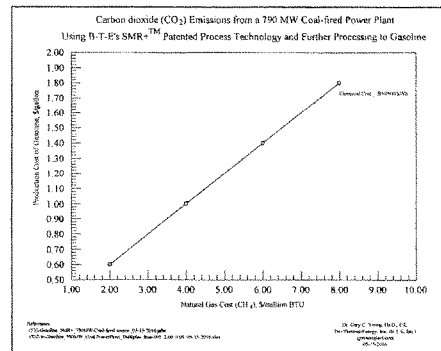


Figure 2 illustrates the overall economics of using carbon dioxide emissions from a representative 790-MW coal-fired power plant to produce gasoline, using B-T-E's SMR+[®] proprietary technology, in terms of gasoline production costs as a function of the wholesale natural gas price and retail industrial rate for electricity.

Fig. 2 Gasoline Production Cost using B-T-E's SMR+[®] Technology



In our case, the 790 MW Coal-fired plant produces stack gas emissions of 775.1 tons/hour carbon dioxide, which in turn can produce about 137,200 barrels/day of gasoline. Production cost includes Total CAPEX (ISBL & 50% of ISBL as OSBL), OPEX including labor & maintenance, with capital financing cost at six percent for 20-years. Cost includes CO₂ capture and environmental requirements. (Ed. – CAPEX denotes capital expenditures; OPEX denotes operating expenses; ISBL and OSBL denote “inside battery limits” and “outside battery limits.”)

Using today's economic parameters for wholesale cost of natural gas, the cost of electricity, and the current low prices for gasoline at the pump, we can show that the proposed CO₂-to-Gasoline process is more economical than the conventional method of producing gasoline by refining crude oil.

For example, if crude oil is selling at about \$30+/barrel, and if regular-grade gasoline is selling at the pump at a price of about \$1.90 per gallon, we can break down the per-gallon (gasoline) costs for the conventional crude oil refining process as shown in Figure 3.

Fig. 3 Gasoline Production Costs – Conventional Refining

	<u>As Cost of Regular Gasoline at the Pump</u>
Taxes	\$0.453 / gallon gasoline
Distribution & Marketing	\$0.256 / gallon gasoline
Refining	\$0.473 / gallon gasoline
Crude Oil	\$0.788 / gallon gasoline
Total	\$1.970 / gallon gasoline

Refer again to Figure 2, illustrating the economics of the proposed process, using SMR+® technology, for producing gasoline from CO₂. The graph shows that with natural gas prices at wholesale at \$2.00/MMBtu and electricity prices at \$0.050/kWh, the production cost of gasoline will come in at about \$0.60/gallon. The non-catalytic process (Ref. 11) would have a production cost of over \$1.00/gallon. As another example, with natural gas at \$4.00/MMBtu and electricity at \$0.050/kWh, the production cost of gasoline will come in at about \$1.00/gallon.

In the economic analysis, cost of CO₂ capture was equivalent to \$45/ton CO₂ captured.

By contrast, Figure 3 indicates that the production cost of gasoline using the conventional process of refining crude oil will run \$1.261/gallon. That cost represents \$0.473 per gallon for refining plus \$0.788 for the crude oil commodity. Thus, our analysis indicates that the proposed CO₂-to-gasoline process using SMR+® catalytic technology is competitive with crude-oil refining.

The Other Advantages

Consider the positive attributes of B-T-E's proposed patented SMR+™ CO₂-to-gasoline process:

- B-T-E's patented SMR+® process for CO₂ conversion to Syngas is a catalytic process using the conventional Steam-Methane-Reforming (SMR) process but unique by using an additional independent external feed of low cost Carbon dioxide (CO₂);
- A 60-percent reduction of CO₂ from coal-plant stack gas emissions;
- One gallon of gasoline from about 5.81 lbs CO₂ emissions;
- An environmentally sound process;
- Saves jobs and capital by avoiding closure of coal-fired power plants;
- Produces liquid fuel (gasoline, diesel, and/or Jet Fuel) from Coal-Fired Power Plant Emission;
- Utilizes low cost raw materials, such as CO₂, and natural gas from directional drilling and "fracking" of shale deposits;
- B-T-E's unique and patented catalytic SMR+® process can be used to produce other fuels or chemicals, such as Methanol, Ethanol, etc.

In summation for B-T-E's SMR+® CO₂-to-Syngas-to-Gasoline application to a Coal-fired Power Plant, B-T-E's technology would benefit both the Coal-Fired Power industry and Governmental EPA environmental regulatory agencies. It is a win-win proposition created by "novel" technology for all to benefit: jobs, business assets, environmental, and United States' energy independence.

One could envision a Company's 790 MW Coal-fired Power Plant as supplying the current stack gas emissions, (including any environmental issues), steam, and electricity to a "new" customer's CO₂-Gasoline facility which consists of a CO₂ Capture Plant, SMR+® Catalytic CO₂ Conversion Plant, and the CO₂-to-Gasoline, Diesel, and/or Jet Fuel plant. In other words, the Coal-fired Power Plant supplies energy to a new customer, i.e., the customer's CO₂-to-Gasoline/Diesel/and/or Jet Fuel facility. A new customer is created for the Coal-fired Power Plant.

B-T-E's unique SMR+® patented CO₂ conversion technology is a game changer for the economic potential of producing fuels and chemicals from Carbon dioxide (CO₂) and placing the United States on the pathway to energy independence.

Grants are needed for the feasibility study(s) of the Corn-Ethanol Plant & CO₂-Ethanol Plant Facility and the CO₂-Gasoline Facility based upon B-T-E's Patented CO₂ Conversion Technology.

These feasibility study(s) and future project(s) will need the cooperation and participation of the City, State, Federal, and other parties if a site specific location is selected for the pilot plant and/or commercial facility.

I appreciate the opportunity to express my opinions on this legislation. If you have questions, please call me at ph. 319-373-5191 or cell ph. 319-310-6866.

Sincerely, *Gary C. Young 09/09/2018*

Dr. Gary C. Young, Ph.D., P.E., Chemical Engineer
President/Owner, Bio-Thermal-Energy, Inc. / (B-T-E, Inc.)

Bio-Thermal-Energy, Inc.
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Published Article:

HP Special Focus

| Clean Fuels

| G. C. Young, Bio-Thermal-Energy, Inc., Cedar Rapids, Iowa

Mitigate CO₂ emissions from industrial plants by
conversion to fuels

Hydrocarbon Processing | FEBRUARY 2017, p. 47

Mitigate CO₂ emissions from industrial plants by conversion to fuels

An economical commercial process is necessary to provide an incentive for the utility industries to engender win-win support for government regulations on carbon dioxide (CO₂) emissions.

A standard approach for mitigating CO₂ emissions is carbon capture and sequestration (CCS), which involves CO₂ capture, sequestration and costly CO₂ compression, transportation and/or underground storage used for crude oil recovery from reservoirs.¹

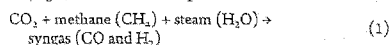
An alternative proprietary catalytic process² for mitigating CO₂ emissions from industrial plants by conversion to fuels has been developed to solidify the aims of both industry and government.^{2,3} This is in addition to a previously published "non-catalytic" process.⁴ The catalytic process technology converts CO₂ into syngas [carbon monoxide (CO) and hydrogen (H₂)], with further conversion to fuels, such as gasoline, diesel, jet fuel, H₂, methanol (CH₃OH) and/or ethanol (C₂H₅OH), with established, mature technologies.^{1,2,5,6,7} The technology consists of seven US patents, one Japanese patent, one European patent and other patents pending.²

THE PROCESS

FIG. 1 provides a pictorial representation of the technology as used for the conversion of CO₂ emissions to gasoline from a representative 790-MW, coal-fired power plant. The overall process, from CO₂ to fuels, comprises three steps.

Step 1—Capturing emissions. Coal-fired stack gas emissions are sent to a CO₂-capture plant to remove CO₂ from the stack gas. The stack gas is comprised of approximately 70 vol% nitrogen (N₂), water (H₂O), CO₂ (20%) and impurities of SO₂, nitrogen oxides (NO_x) and mercury (Hg). A CO₂-capture system, like that of Shell Oil Co.,⁸ can recover up to 90% of the CO₂ from stack gas.

Step 2—Conversion to syngas. CO₂ is then converted to syngas. The proprietary technology has been proven experimentally on a gasification pilot plant with a capacity of 12.5 tpd.⁹ Pilot-plant tests have verified a 70% reduction of CO₂, with significant improvements anticipated with further optimization. This second step involves the catalytic technology that feeds CO₂, natural gas and steam to a reformer to produce syngas, as illustrated in Eq. 1:



Note: This step uses a typical steam methane reformer process, but the proprietary catalytic technology utilizes an independent external supply of CO₂.²

Step 3—Conversion to gasoline. Syngas is then fed to a syngas-to-gasoline plant for conversion, such as the use of a gas-to-liquids (GTL) process.²

The economics. By combining the catalytic process, CO₂-capture process and GTL process, Eq. 2 illustrates the overall process to convert CO₂ emissions from a coal-fired power plant into gasoline:

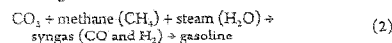


FIG. 2 illustrates the overall economics of using CO₂ emissions from a representative 790-MW, coal-fired power plant to produce gasoline, in terms of gasoline production costs as a function of the wholesale natural gas price and retail industrial rate for electricity.

In this case, the plant produces stack gas emissions of 775.1 tpd of CO₂, which, in turn, can produce 137.2 Mtpd of gasoline. Production costs include:

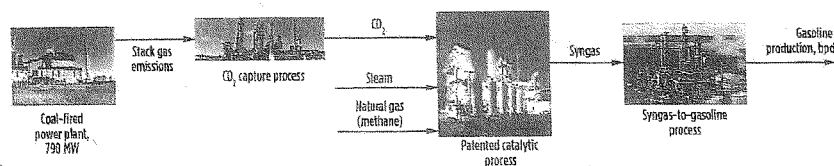


FIG. 1. CO₂ conversion to gasoline using proprietary catalytic technology.

HP Clean Fuels

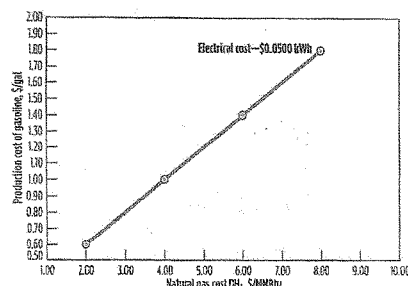


FIG. 2. Gasoline production cost using the proprietary catalytic technology.

TABLE 1. Gasoline production costs, conventional refining

	As cost of regular gasoline at the pump
Taxes	\$0.453/gal gasoline
Distribution and marketing	\$0.256/gal gasoline
Refining	\$0.473/gal gasoline
Crude oil	\$0.788/gal gasoline
Total	\$1.970/gal gasoline

- Total capital expenditures (CAPEX) and inside battery limits (ISBL), with 50% of ISBL as outside battery limits (OSBL)
- Operating expenditures (OPEX), including labor and maintenance
- Capital financing cost at 6% for 20 yr
- CO₂ capture and environmental requirements.

Using recent economic parameters for the wholesale cost of natural gas, the cost of electricity and recent gasoline pump prices, it was shown that the proposed CO₂-to-gasoline process is more economical than the conventional method of producing gasoline by refining crude oil.

For example, if crude oil is selling for more than \$30/bbl, and if regular-grade gasoline is selling at a pump price of approximately \$1.90/gal, then the per-gal costs for the conventional crude oil refining process can be calculated as shown in TABLE 1.¹⁰

FIG. 2 shows that with wholesale natural gas prices at \$2/MMBtu and electricity prices at \$0.05/kWh, the production cost of gasoline is estimated to be \$0.6/gal. The non-catalytic process would have a production cost of more than \$1/gal.⁶ With natural gas at \$4/MMBtu and electricity prices at \$0.05/kWh, the production cost of gasoline is estimated to be \$1/gal. In the economic analysis, the cost of CO₂ capture is equivalent to \$45/t.

By contrast, TABLE 1 indicates that the projected production cost of gasoline using the conventional process of refining crude oil will be \$1.261/gal. That cost represents \$0.473/gal for refining, and \$0.788/gal for the crude oil commodity. Therefore, the analysis indicates that the proposed CO₂-to-

gasoline process using the catalytic technology is competitive with crude oil refining.

Additional advantages. Positive attributes of the CO₂-to-gasoline process include:

- Reduces CO₂ from coal-plant stack gas emissions by 60%, lowering environmental impact
- Yields 1 gal of gasoline from approximately 5.81 lb of CO₂ emissions
- Protects jobs and capital by further utilizing coal-fired power plants
- Utilizes low-cost raw materials, such as CO₂ and natural gas from directional drilling and fracking of shale deposits
- Produces other fuels or chemicals, such as CH₃OH, C₂H₄O, etc.
- Creates a new market for coal-fired energy producers—i.e., the customer's CO₂-to-gasoline/diesel/jet fuel facility. tP

NOTE

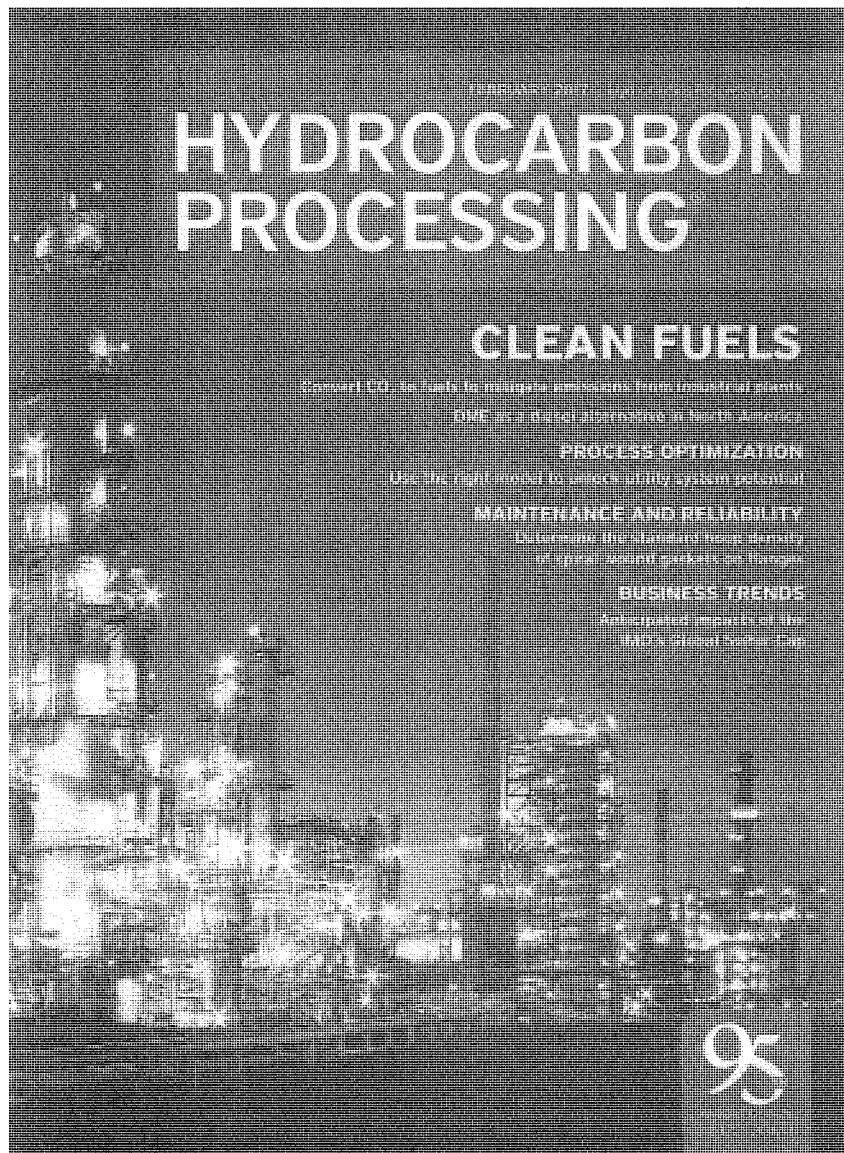
¹ B-T-E's SMR+ CO₂ conversion to syngas technology is a catalytic process using a conventional steam methane reforming process with an additional independent external feed of low-cost CO₂.

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GARY C. YOUNG is the Owner/President of GYCO Inc. (d.b.a. Bio-Thermal-Energy Inc./B-T-E Inc.). He has spent the last 15 years operating his own consulting engineering company, performing process and project economic analyses on industrial and commercial plants and processes, and developing B-T-E's patented CO₂ conversion to syngas. Dr. Young has more than 50 years of experience in the research, development, economic assessment and commercialization of industrial processes. His industry knowledge extends to research and development, design, construction and operations in coal gasification, biomass gasification, waste gasification, CO₂ conversion to fuels/energy, gas processing, food processing, pharmaceutical processing, agricultural and industrial processing, and enhanced energy recovery. Dr. Young holds BS and MS degrees and a PhD, all in chemical engineering, from the University of Nebraska, and is a licensed professional engineer in California, Texas, Illinois, Iowa and Wisconsin. He holds several patents and has produced numerous articles, publications and presentations around the world.





FOR IMMEDIATE RELEASE

April 9, 2018
Contact: Kimberly Dean
(202) 218-6774
kdean@bpccaction.org

BPC Action commends Sens. **John Barrasso** (R-WY), **Sheldon Whitehouse** (D-RI), **Shelley Moore Capito** (R-WV) and **Heidi Heitkamp** (D-ND) for introducing S. 2602, the *Utilizing Significant Emissions with Innovative Technologies (USE IT) Act*. This bill will facilitate the development of carbon capture technologies, reduce emissions and maintain America's energy independence.

We must build on recently enacted investments in carbon capture to continue innovating in this space. Cutting-edge and commercially viable technologies are needed to mitigate carbon emissions and best utilize our critical natural resources. The USE IT Act's carbon utilization and direct air capture research are important to developing these technology breakthroughs. Collaboration among federal, state and non-government partners will also spur the development of carbon capture facilities and CO2 pipelines – infrastructure that is crucial in maximizing opportunities promoted by the USE IT Act.

BPC Action applauds the bipartisan action of these senators and looks forward to working with Congress to pass legislation that secures our energy future and economy.

CTION



April 11, 2018

The Honorable John Barrasso
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510-6175

The Honorable Tom Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510-6175

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of diverse companies, unions and environmental, energy and agricultural organizations participating in the Carbon Capture Coalition (www.carboncapturecoalition.org/about-us/), we write in support of the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act introduced by Chairman Barrasso and cosponsored by Senators Whitehouse, Capito and Heitkamp.

Building on recent landmark reform of the federal 45Q tax credit to incentivize deployment of carbon capture technology, the USE IT Act will support research and development of direct air capture technology and of beneficial uses of carbon captured from industrial facilities and power plants to reduce emissions, as well as foster cooperative planning and permitting of pipeline infrastructure to transport carbon dioxide (CO₂) from where it is captured to where it can be safely and permanently stored.

Even as we accelerate deployment of today's carbon capture technologies through the revamped 45Q tax credit, we believe Congress should continue to encourage research, innovation and investment in future capture technologies. The establishment of a \$25 million prize program for early stage direct air capture research and demonstration in the USE IT Act will stimulate needed attention, investment, and innovation in a technology that, by removing CO₂ directly from the atmosphere, could play a crucial role in achieving future emissions reductions.

The U.S. also has the opportunity be a leader in the productive and beneficial utilization of captured CO₂ and carbon monoxide as building blocks for producing fuels, chemicals and useful products. We support the provision in the USE IT Act to provide \$50 million in federal funding for research and development of new uses of captured carbon. This funding will help lay the groundwork for development of new technologies, industries, jobs and markets that expand on the current use and storage of CO₂ through enhanced oil recovery.



Finally, we call for the inclusion of CO₂ pipelines in a comprehensive national infrastructure policy and for the federal government to help foster the buildout of robust pipeline infrastructure to enable the deployment of carbon capture, utilization and geologic storage projects in multiple industries and in states and regions throughout the country. The USE IT Act takes important steps toward this goal by clarifying that CO₂ pipelines are eligible for the Fix America's Surface Transportation Act and by directing the Council on Environmental Quality to coordinate the development of CO₂ pipeline permitting guidance and establish regional task forces to address permitting challenges.

In addition, we believe that the federal government should also play a targeted role in supplementing private capital to finance the buildout of critical CO₂ pipeline infrastructure to industries and regions not currently served. We call on Congress to provide for such financial incentives to complement the CO₂ pipeline provisions in the USE IT Act.

We look forward to working with you to secure the enactment of the USE IT Act.

Sincerely,

A handwritten signature in black ink that reads "Brad Crabtree".

Brad Crabtree
Vice President for Fossil Energy
Great Plains Institute

A handwritten signature in black ink that reads "Bob Perciasepe".

Bob Perciasepe
President
Center for Climate and Energy Solutions



April 10, 2018

Senator John Barrasso
307 Dirksen Senate Office Building
Washington, DC 20510

Senator Sheldon Whitehouse
530 Hart Senate Office Building
Washington, DC 20510

Senator Shelley Moore Capito
172 Russell Senate Office Building
Washington, DC 20510

Senator Heidi Heitkamp
516 Hart Senate Office Building
Washington, DC 20510

Re: Encouraging American Innovation in Advanced Low-Carbon Technologies

Dear Senators Barrasso, Whitehouse, Capito, and Heitkamp:

As a former Deputy Administrator of the U.S. Environmental Protection Agency and recognizing that the sponsors agree to continue with bipartisan consensus going forward, I thank you for your leadership in introducing the Utilizing Significant Emissions with Innovative Technologies Act (USE IT) Act. American innovation in advanced low-carbon technologies from carbon capture use and storage to nuclear energy to renewable energy is critically important to boost our economic growth and to prevent the worst impacts of climate change. From a business perspective, there will be markets for American advanced low-carbon technologies across the globe as other countries continue to expand their efforts to reduce carbon emissions to address climate change.

The USE IT Act supports research on carbon utilization. I believe that transforming captured carbon emissions from a liability into a valuable commodity will be a powerful way to align our economic incentives with our environmental goals. Federal support for research on carbon utilization should focus on three areas: reducing technology costs and increasing the number of technology options; conducting lifecycle analysis to ensure that over time the focus is on permanently storing more of the carbon; and identifying how to scale up these options to meet climate goals. The legislation would also support research on direct air capture; this important technology has the potential to result in "negative emissions" and may help us achieve the goals of the Paris



Agreement which include net zero emissions in the second half of this century. Reducing the costs of direct air capture technology and developing business models for its deployment are important research priorities.

On behalf of the Center for Climate and Energy Solutions, I thank you again for your leadership and I encourage you and your colleagues to enact the USE IT Act — and its research and development incentives for carbon capture technology — to open the door that can accelerate American innovation.

Sincerely,



Bob Perciasepe
President
Center for Climate and Energy Solutions



May 14, 2018

Senator John Barrasso
Chairman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso:

On behalf of Citizens for Responsible Energy Solutions, I am writing in support of S. 2602, the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act.

S. 2602 will further the development of carbon capture technologies and maintain the United States leadership role in carbon dioxide (CO₂) capture, utilization and sequestration research, development and deployment. The legislation directs the Environmental Protection Agency to support research on direct air capture and CO₂ utilization, with a focus on technologies that transform CO₂ into commercial use. The bill also improves the permitting process for carbon capture and utilization projects by ensuring that these initiatives are eligible for a streamlined permitting process.

The United States' economy and environment will ultimately benefit by realizing the full potential of CO₂ as a commodity. The development of these technologies will facilitate the removal of emissions from the atmosphere and capturing a comparative advantage in a new line of carbon-based goods and services.

Thank you for your leadership on these critical issues, and we look forward to working with you to enact this legislation.

Sincerely,

A handwritten signature in dark ink that reads "Heather Reams". The signature is fluid and cursive.

Heather Reams
Managing Director



April 11, 2018

The Honorable John Barrasso
Chairman
U.S. Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510-6175

The Honorable Tom Carper
Ranking Member
U.S. Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510-6175

Dear Chairman Barrasso and Ranking Member Carper:

The Clean Air Task Force is writing you in support of the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act - introduced by Chairman Barrasso and cosponsored by Senators Whitehouse, Capito and Heitkamp. This legislation is an important step that builds on the recent adoption of the FUTURE Act, which made significant important revisions to and extended the 45Q CCUS tax credit. The USE IT Act addresses several important issues that will help us reach the potential of carbon capture utilization and storage (CCUS) including:


- Providing a boost to early stage technology efforts of direct capture of CO₂ from the air by establishing a \$25 million x-prize
- Providing \$50 million in support for R&D on innovative carbon utilization efforts
- Helping facilitate CO₂ pipeline infrastructure development by clarifying CO₂ pipeline eligibility under the FAST Act
- Requiring the Council on Environmental Quality to develop guidance and regional task forces that address project and pipeline permitting efficiency improvements and identify activities that can transform carbon into a valuable commercial product

Helping bring new technologies into the commercialization process is an important complement to the market "pull" offered by the 45Q tax incentive. Moreover, building pipeline infrastructure will be crucial for all aspects of technology development and deployment.

While there are many economic and technological benefits for CCUS, it is a critical-path technology for reducing carbon emissions. The most recent assessment by the Intergovernmental Panel on Climate Change (IPCC) in 2014 underscored the critical-path role CCUS will need to play in meeting the temperature targets agreed to under the Paris accords. In the vast majority of emissions reduction scenarios developed by the IPCC, CCUS was necessary to meet temperature goals – and atmospheric carbon removal was an important component of CCUS in those scenarios. Only those few scenarios that included global land use change on a massive scale were able to meet the goal without significant use of CCUS.

CATF greatly appreciates the continued support for CCUS and Chairman Barrasso's commitment to ensure this legislation moves forward on a bi-partisan consensus basis. We look forward to working with you to ensure the USE IT Act is enacted by Congress.

Sincerely,

Kurt Waltzer

Managing Director
Clean Air Task Force



March 22, 2018

Senator John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

Senator Sheldon Whitehouse
U.S. Senate
530 Hart Senate Office Building
Washington, DC 20510

Dear Senator Barrasso and Senator Whitehouse,

On behalf of ClearPath Action, a 501(c)4 organization working to accelerate conservative clean energy policy, I am writing to support the *Utilizing Significant Emissions with Innovative Technologies Act* (USE IT Act). The bipartisan bill contains common-sense policy solutions that support innovative carbon emission reducing technologies, such as enhanced public private partnerships, carbon infrastructure permitting improvements and innovative research and development (R&D).

Renewable and conventional energy facilities, in addition to electricity transmission, are currently eligible for a more coordinated and expedited permitting process. The USE IT Act takes the commonsense approach of clarifying the eligibility to carbon capture and carbon dioxide transportation projects. It also establishes task forces made up of federal agencies, industry, and nonprofit organizations to recommend ways to facilitate reviews on carbon capture, utilization, and storage projects.

Prolonged and unclear permitting periods discourage private sector investment due to the capital-intensive nature of carbon capture infrastructure. A recent capture project can be in the range of \$1 billion and a single carbon dioxide pipeline can easily cost \$1 million per mile.

The USE IT Act is a strong step in enabling market-driven carbon capture and realizing its benefits for American consumers.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rich Powell", is written over a light blue horizontal line.

Rich Powell
Executive Director, ClearPath Action

1355 Greenwood Cliff Suite 301 • Charlotte, NC 28204
611 Maryland Ave NE • Washington, DC 20002



Colin Marshall
President and Chief Executive Officer

April 10, 2018

The Honorable John Barrasso
Chairman
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso,

Earlier this year, your leadership in the Senate delivered the fossil fuel industry and environmental groups across the country a remarkable bipartisan win in the form of passage of the FUTURE Act, amending and improving the 45Q tax credit for carbon capture, utilization, and sequestration. The vocal support from many very different organizations following passage of the FUTURE Act demonstrated that there is significant common ground between those in the utility, coal, and oil and gas industries that see CO₂ as a valuable commodity and those for whom CO₂ emissions represent a serious concern that needs to be addressed.

Your recent introduction of the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act, cosponsored by Senators Capito, Whitehouse, and Heitkamp, represents a further opportunity for bipartisan progress in this area. In promoting the development of the CO₂ pipeline infrastructure needed to move large-scale carbon capture forward, as well as research into beneficial uses for CO₂, we see the USE IT Act as the logical next step in the development and deployment of carbon capture, utilization, and storage technology supported by the 45Q tax credit.

U.S. energy dominance, a strong and robust future for the coal industry and addressing concerns about CO₂ emissions will all be served by legislation like the USE IT Act. To ensure that the U.S. retains a competitive advantage in reliable, affordable, and resilient power generation, plentiful coal must be a part of the nation's energy future, and we believe the USE IT Act will contribute to that future. Thank you for your continued leadership and support.

Yours sincerely,

Colin Marshall

CO₂ SCIENCES, INC.

We've reached a pivotal moment in the United States to galvanize American researchers and businesses into action on climate innovation.

We applaud the bipartisan work from U.S. Senators John Barrasso and Sheldon Whitehouse in introducing the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act on March 26, 2018. The USE IT Act provides the necessary government infrastructure that can lead to breakthroughs in carbon capture utilization and sequestration (CCUS) research.

Global authorities on climate change, including the Intergovernmental Panel on Climate Change (IPCC) and the International Energy Agency (IEA), agree that CCUS is essential to meet the Paris Agreement.

Carbon capture technologies take advantage of a virtually limitless, free resource while mitigating the rising levels of a greenhouse gas. Converting CO₂ into products can lead to a \$1 trillion business opportunity by 2030 with the potential to consume 10% of annual, global CO₂ emissions (source: <http://bit.ly/2usMzRx>).

Government intervention is essential for limiting the global temperature increase to two degrees Celsius, and that is why the USE IT Act is a huge win for all international and local players in the CO₂-based ecosystem.

As business leaders, researchers, scientists and members of the CO₂ Sciences Board of Directors, we write in strong support of plans to increase the spending and building for carbon capture research in the United States. We see it as a necessary step to ensure a prosperous planet for future generations. We will leverage our network of collaborations in the scientific and business communities to raise awareness and generate support for your efforts.

We greatly appreciate your support and attention.

CO₂ Sciences Board of Directors

Bernard J. David, Chairman, CO₂ Sciences
David Douglas, Applied Invention
Thomas E. Lovejoy, United Nations Foundation
Louisa G. Ritter, Pisces, Inc.
Thomas Sheldon, Chief Financial Officer, CO₂ Sciences
Dr. Ellen Williams, Professor, University of Maryland



May 18, 2018

The Honorable John Barrasso
Chairman
Senate Committee on Environment and Public Works
410 Dirksen Building
Washington, D.C. 20510

Dear Chairman Barrasso:

On behalf of the Energy Advance Center, a voluntary association of energy and energy-related companies whose purpose is to promote the energy industry's interests in issues related to carbon capture, utilization, and storage ("CCUS"), I write to thank you and Senators Whitehouse, Capito and Heitkamp for introducing S. 2602, the Utilizing Significant Emissions with Innovative Technologies Act, or USE IT Act.

In particular, we believe Title II of the bill will help facilitate deployment of CCUS. Under that title, Section 201 clarifies that CCUS projects and CO₂ pipelines are eligible for permitting review under the coordinated process the FAST Act set forth to expedite approvals. Section 202 of the bill tasks the Council on Environmental Quality ("CEQ") with preparing guidance for other federal agencies to aid their permitting processes for CCUS facilities and CO₂ pipelines under various key federal environmental laws. It also directs CEQ to identify opportunities to transform captured CO₂ into valuable products. It directs CEQ to establish at least two regional task forces to provide recommendations.

CCUS is a vital suite of technologies to improve the greenhouse gas emissions profile of fossil fuels and enhance the economic opportunities from use of CO₂ with benefits for the economy, energy security, and the environment. The Energy Advance Center appreciates your leadership on CCUS issues and supports S. 2602.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred Eames".

Fred Eames

cc: Senator Sheldon Whitehouse
Senator Shelley Moore Capito
Senator Heidi Heitkamp



Energy & Environmental Research Center

15 North 23rd Street, Stop 9018 • Grand Forks, ND 58202-9018 • P. 701.777.5000 • F. 701.777.5181
www.undeeerc.org

April 10, 2018

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
U.S. Senate
530 Hart Senate Office Building
Washington, DC 20510

Dear Senators Barrasso and Whitehouse:

On behalf of the Energy & Environmental Research Center (EERC) at the University of North Dakota, I write in support of the "Utilizing Significant Emissions with Innovative Technologies" (USEIT) Act. Thank you for your leadership in authoring this legislation.

The EERC is a unique organization dedicated to providing practical, pioneering solutions to the world's energy and environmental challenges. The EERC has a rich history of dynamic working relationships with industry, government, and research entities throughout the world. Since 2003, the EERC has worked with those partners to develop solutions to carbon management issues, with an emphasis on developing value-added carbon dioxide (CO₂) utilization options that will enable continued use of affordable and abundant fossil fuels.

The EERC currently manages the Plains CO₂ Reduction (PCOR) Partnership, a multiyear, multimillion-dollar collaboration of over 100 stakeholders that has laid the groundwork for practical and environmentally sound CO₂ utilization and associated storage projects in the heartland of North America. The PCOR Partnership membership includes stakeholders representing a diverse cross section of CO₂ producers, end users, environmental groups, and regulators. The EERC strongly supports this legislation because it will help leverage the resources of states, industry, universities, and the federal government and build on these efforts to develop cost-effective carbon capture, utilization, and storage (CCUS).

In addition to technical and financial assistance to support research, your legislation would establish interagency guidance and a task force to facilitate CCUS infrastructure. The EERC supports these provisions as well, given the new infrastructure that will need to be developed on a considerable scale to commercially deploy CCUS technology at a meaningful scale.

The USEIT Act is important legislation to advance the development of CCUS technology. The EERC again thanks you for your efforts to support cost-effective solutions for electric power generation. We hope that this legislation can receive prompt consideration by the Senate.

Sincerely,

Thomas A. Erickson
CEO

TAE/rss



April 5, 2018

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
U.S. Senate
530 Hart Senate Office Building
Washington, DC 20510

Dear Senators Barrasso and Whitehouse:

On behalf of Global Thermostat, I write in support of the "Utilizing Significant Emissions with Innovative Technologies" (USEIT) Act. We understand there will be a hearing on April 11, 2018 at 10:15am in the Dirksen Senate Office Building Room 406. Thank you for your leadership in authoring this legislation.

Global Thermostat has pioneered a breakthrough low-cost technology that removes CO₂ directly from air and is now entering its commercial stage. Our cost is sufficiently low that we can sell the CO₂ we remove from the atmosphere for commercial use, for example to carbonated beverage companies, such as Coca Cola, and for the production of plastics from CO₂ that is used by firms such as Ikea. Global Thermostat has built a commercial demonstration carbon capture plant at SRI, 333 Ravenswood Avenue in Menlo Park, CA (Silicon Valley) and is currently building commercial plants to remove CO₂ directly from air (direct air capture or "DAC") at our factory in Huntsville, AL.


The UN Intergovernmental Panel on Climate Change that is composed of thousands of scientists around the world and has received the Nobel Prize for its work on carbon capture has determined that removal of CO₂ directly from air as Global Thermostat does is now needed on a massive scale in order to avert catastrophic risks from climate change. The groundbreaking legislation of the FUTURE Act (45Q) and the important current bill together with technologies like Global Thermostat place the United States at the leadership of world efforts to reverse climate change and does so while favoring economic growth, creating jobs and expanding US exports to the entire world economy.

About 30,000 Global Thermostat plants suffice to remove all the CO₂ that humans emit every year. We will be able to build these plants in every state of the US leveraging the resources of every state, industry, university and the Federal Government and build on these efforts to develop cost-effective carbon capture utilization and storage ("CCUS") and DAC. Your bill can help prioritize resources to build projects and clean the atmosphere while enhancing economic growth.

I understand that in addition to technical and financial assistance to support research, your legislation would establish interagency guidance and a task force to facilitate cost-effective CCUS infrastructure and DAC. Global Thermostat supports these provisions given the new infrastructure that will need to be developed on a considerable scale to deploy DAC technology.

The USEIT Act is important legislation to advance the development of CCUS and in particular DAC technology which is necessary for resolving the climate change problem. Global Thermostat again thanks you for your efforts to support commonsense solutions for electric power generation. We hope that this legislation can receive prompt consideration by the Senate.

Sincerely,



Dr. Graciela Chichilnisky
CEO & Co-Founder
Professor of Economics and Statistics
Columbia University
New York, NY 10025
(c) 646.623.3333



12300 Elm Creek Boulevard
Maple Grove, Minnesota 55369-4718
763-445-5000
greatriverenergy.com

April 9, 2018

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington DC 20510

The Honorable Sheldon Whitehouse
U.S. Senate
530 Hart Senate Office Building
Washington DC 20510

Dear Senators Barrasso and Whitehouse:

On behalf of Great River Energy, I write to support S. 2602, the "Utilizing Significant Emissions with Innovative Technologies" (USEIT) Act. Thank you for sponsoring this bill that would provide a possible pathway for electric utilities and others to research and implement carbon capture, utilization and sequestration (CCUS) technology.

Great River Energy is a generation and transmission cooperative based in Minnesota that provides electricity to 695,000 members by serving 28 distribution cooperatives in Minnesota and Wisconsin. We own power plants and (through a subsidiary) ethanol plants in North Dakota that could be sources of carbon dioxide under the act.

CCUS has the potential to be a beneficial method of reducing the emission of carbon dioxide, a greenhouse gas, into the atmosphere. If the carbon dioxide could be used for a commercially valuable purpose, such as enhanced oil recovery, then the economic feasibility of CCUS would be advanced. The bill would direct the EPA to provide technical and financial assistance to carbon dioxide utilization projects. This could be very beneficial to industry as it seeks to reduce or control carbon dioxide emissions.

S. 2602, Title II, Section 201, would clarify that CCUS projects are covered projects for purposes of Title XLI of the FAST Act, which is intended to improve the timeliness of the Federal environmental review and permitting process. We support this section of the bill, as well, because delays in permitting can adversely affect the feasibility of innovative projects.

Thank you for the opportunity to comment on such an innovative and constructive bill that could be beneficial both to industry and to the environment.

Sincerely,

GREAT RIVER ENERGY

Rick Lancaster
Vice President and Chief Generation Officer



April 10, 2018

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
U.S. Senate
530 Hart Senate Office Building
Washington, DC 20510

Dear Senators Barrasso and Whitehouse:

On behalf of the Lignite Energy Council, I write in full support of the "Utilizing Significant Emissions with Innovative Technologies" (USEIT) Act. I greatly appreciate your leadership in authoring this legislation.

The Lignite Energy Council is a regional trade association for coal mines, electric utilities and about 300 business providing good and services to the mines and plants that supply power to over two million people in the upper Midwest region of the United States. The primary objective of the Lignite Energy Council is to maintain a viable lignite coal industry and enhance development of the region's lignite coal resources for use in generating electricity, synthetic natural gas and valuable byproducts. This legislation will be of great importance for our industry to meet our members' goals and objectives.

Our region has been a leader in carbon capture utilization and storage (CCUS) as one of our electric generation members, Basin Electric Power Cooperative, has been operating the largest carbon sequestration project in the world known as The Great Plains Synfuels Plant for the past twenty years. In addition, we are currently supporting the advancement of many breakthrough CCUS research and development programs to ensure the long-term viability of North Dakota's lignite coal and energy generation industries for future generations.

The USEIT Act will greatly advance CCUS technology development by giving our industry access to solutions that will be necessary to build new test facilities and infrastructure that are important and commonsense solutions for lignite electric power generation. The Lignite Energy Council and our members support this legislation because it will help provide much needed financial and technical assistance to further our efforts towards CCUS. Thank you for your leadership on this legislation and for your consideration in the Senate.

Sincerely,

Jason Bohrer
CEO & President

1016 E. Owens Ave. | PO Box 2277 | Bismarck, ND 58502

☎ 701.258.7117

🌐 www.lignite.com

@ LEC@lignite.com

MATTHEW H. MEAD
GOVERNOR



2323 Carey Avenue
CHEYENNE, WY 82002

Office of the Governor

April 10, 2018

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
U.S. Senate
Hart Senate Office Building, Rm 530
Washington, DC 20510

Dear Senator Barrasso and Senator Whitehouse,

I support the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act. This legislation will facilitate the deployment of carbon capture, utilization and storage (CCUS) technologies.

Wyoming's fossil fuel resources benefit our economy and provide the nation with reliable energy. The ability to manage carbon and put it to productive use gives Wyoming and the nation a long-term low-carbon path to continued production and use of these resources.

The Furthering carbon capture, Utilization, Technology, Underground storage, and Reduced Emissions (FUTURE) Act brought needed financial incentives and assurances to developers of CCUS projects. I appreciate your efforts that led to its passage. The USE IT Act provides support for carbon capture research and CO₂ pipeline infrastructure, which are limiting factors in project deployment. This bill is a logical next step and will lead to projects being developed and allow continued use of abundant resources while lowering the nation's carbon footprint. Thank you for your work on this important legislation.

Sincerely,

 A handwritten signature of Matthew H. Mead in black ink.

Matthew H. Mead
Governor

MHM:dp

cc: The Honorable Mike B. Enzi, U.S. Senate
The Honorable Liz Cheney, U.S. House of Representatives



HAL QUINN
President & CEO

May 7, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso:

The National Mining Association commends you for your leadership in authoring and introducing S. 2602, the "Utilizing Significant Emissions with Innovative Technologies Act."

Specifically, we support provisions that promote further research and development of technologies that will convert carbon into products of commercial value. We also support the goal of reviewing and developing policy guidance to facilitate the permitting of the necessary supporting infrastructure including carbon dioxide pipelines.

Thank you for putting forward this legislation.

Sincerely,

Hal Quinn



The Honorable Senator John Barrasso
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Senator Sheldon Whitehouse
530 Hart Senate Office Building
Washington, DC 20510

The Honorable Senator Shelley Moore Capito
172 Russell Senate Office Building
Washington, DC 20510

The Honorable Senator Heidi Heitkamp
516 Hart Senate Office Building
Washington, DC 20510

Dear Senators Barrasso, Whitehouse, Capito, and Heitkamp:

The Carbon Utilization Research Council (CURC) and the National Rural Electric Cooperative Association (NRECA) are pleased to support the "Utilizing Significant Emissions with Innovative Technologies" Act (USE IT Act). The USE IT Act demonstrates a growing bipartisan leadership effort for advancing carbon capture, utilization, and sequestration (CCUS) technologies that will improve our nation's economic and energy security objectives, while also mitigating emissions of CO₂ from the use of fossil fuels. This legislation demonstrates a federal commitment to continue to work with industry to find collaborative pathways for funding and deploying CCUS.

As organizations that are committed to developing technology solutions for the responsible use of our coal and fossil fuel resources, we are pleased to see Congress share a view that technologies like those that are supported by the USE IT Act will enhance the value of our country's vast domestic resources while also supporting our national – and global – need for reliable, secure, clean and affordable energy.

Currently, the Clean Air Act does not direct the Environmental Protection Agency to use its existing authority to support carbon utilization or innovative carbon capture research. More development is needed for these important technologies to match those advancements seen in solar and wind generation technologies. Implementation of the USE IT Act will ultimately lead to solutions that will help bring down the costs of commercial-scale CCUS projects integrated with power generation. These efforts will complement and enhance work already being done through public-private partnerships such as the Wyoming Integrated Test Center and the National Carbon Capture Center.

Building on the FUTURE Act, legislation championed by this same group of Senators, the USE IT Act will go a step further by improving the permitting of carbon capture, utilization, and sequestration projects and CO₂ pipelines, which will provide necessary certainty to power generators and other industrial sources and will incentivize the build-out of CCUS projects.

We thank you for your leadership and look forward to supporting your efforts to advance this important legislation.

Sincerely,

Jim Matheson
CEO, NRECA

Shannon Angielski
Executive Director, CURC



North Dakota Association of Rural Electric Cooperatives
3201 Nygren Drive NW • P.O. Box 727 • Mandan, ND 58554-0727



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April 5, 2018

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
U.S. Senate
530 Hart Senate Office Building
Washington, DC 20510

Re: Support for Utilizing Significant Emissions with Innovative Technologies (USEIT) Act

Dear Senators Barrasso and Whitehouse:

On behalf of North Dakota's electric cooperatives, I write to express our organization's support for the Utilizing Significant Emissions with Innovative Technologies (USEIT) Act. Our organization is comprised of 21 electric generation, transmission and distribution cooperatives that have invested billions in electrical infrastructure and proudly provide electrical service to hundreds of thousands of people.

Our cooperatives have long been on the forefront of innovation and technology, which is essential in providing affordable and reliable power to the member-owners they serve, maintaining a diverse energy portfolio made up of both renewable and baseload energy resources. Within our membership, our generation cooperatives are pursuing important carbon capture and storage projects that will enhance existing assets and more efficiently utilize fuel resources.

The support, research, technical and financial assistance that this legislation intends to channel will help to encourage further development and investment into carbon capture, utilization facilities and carbon dioxide pipelines, which will allow electric cooperatives to continue to invest in a diverse energy portfolio and benefit from utilization of North Dakota's 800-year supply of coal.

On behalf of North Dakota's electric cooperatives, thank you for putting forward innovative viable solutions. The USEIT Act is key legislation that, if passed, will contribute to a more reliable, resilient and secure energy future for many years to come.

Sincerely,

Josh Kramer
Executive Vice President & General Manager
North Dakota Association of Rural Electric Cooperatives

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Your Touchstone Energy® Cooperative

April 10, 2018

Chairman John Barrasso
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Tom Carper
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Chairman Barrasso and Ranking Member Carper:

I am writing in support of S.2602, the USE IT Act, your bill to incentivize carbon use and direct air capture, and to better understand carbon capture infrastructure needs. Carbon capture is a key climate technology that many models show will likely be necessary to meeting emissions targets. The United States should continue to support the development and deployment of the full range of carbon capture technologies - from direct air capture to industrial emissions to carbon use.

Reducing emissions as quickly as possible domestically and abroad should be a top priority. However, many climate scientists expect that we will need negative emissions technologies to avoid the worst impacts of climate change. Direct air capture is a cutting edge technology that could prove vital in protecting our planet and we appreciate that this bill would support further development.

We also appreciate that this bill would provide necessary federal support for the growing carbon use industry. While there are dozens of carbon use projects globally, the United States is home to more than any other single country. We should support and cultivate this industry, which has the potential to establish new opportunities to beneficially use and store carbon dioxide.

Finally, particularly after the recent passage of the FUTURE Act, which we expect to lead to increased deployment of carbon capture projects, there is a need to consider what infrastructure will be required to widely deploy this technology. The provisions in the USE IT Act track closely with the recommendations of the 2015 Quadrennial Energy Review and other expert recommendations, and we applaud the committee's interest in this issue.

We appreciate your leadership on this issue and look forward to continuing to work with your Committee.

Sincerely,

Josh Freed
Vice President for Clean Energy
Third Way



DENNIS DAUGAARD
GOVERNOR OF SOUTH DAKOTA
CHAIR

DAVID IGE
GOVERNOR OF HAWAII
VICE CHAIR

JAMES D. OGSBURY
EXECUTIVE DIRECTOR

April 24, 2018

Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

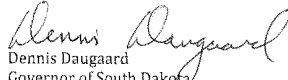
The U.S. is the global leader in carbon dioxide (CO₂) capture, utilization and sequestration (CCUS) research, development and deployment. Given the appropriate resources and regulatory environment, we will advance our technologies so that we can continue to use our abundant resources while minimizing our carbon footprint. Western Governors support the bipartisan Utilizing Significant Emissions with Innovative Technologies (USE IT) Act (S. 2602), which will facilitate development and deployment of CCUS infrastructure.

Western Governors have long supported advancement of carbon capture technology due to its environmental and economic benefits. S. 2602 directs the Environmental Protection Agency to support research on direct air capture and CO₂ utilization, with a focus on technologies that transform CO₂ into a product or product input with commercial value. The bill also clarifies that carbon capture and utilization projects and pipelines are eligible for the streamlined permitting process under the Fixing America's Surface Transportation (FAST) Act and directs the Council on Environmental Quality to develop guidance on reviews of CCUS projects and CO₂ pipelines.

Furthermore, WGA Policy Resolution [2017-01, Building a Stronger State-Federal Relationship](#), advocates for greater state representation on committees and panels advising federal agencies on scientific, technological, social, and economic issues. We are pleased that this bill requires the task force to include states (at their request) and to provide models for, and technical assistance to, states for CCUS projects and CO₂ pipeline regulation.

Thank you for your leadership in this area of crucial importance to our nation's economy, energy, and environment, as well as for your recognition that states have a critical role in promoting the development and utilization of carbon capture technologies. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,


Dennis Daugaard
Governor of South Dakota
Chair, WGA


David Ige
Governor of Hawaii
Vice Chair, WGA

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